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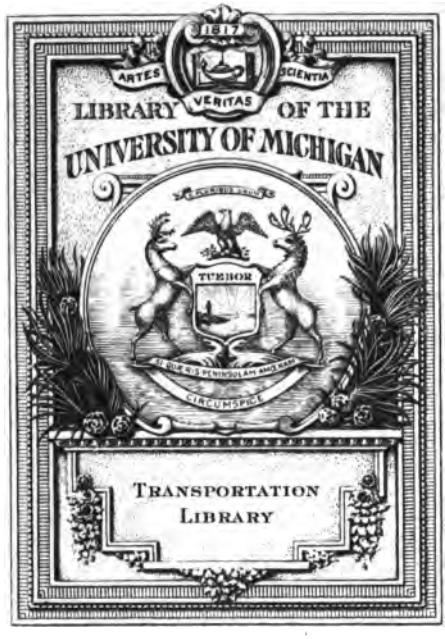
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Yours faithfully

E. W. B. Cooke

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RETROSPECTIVE LESSONS

IN

RAILWAY STRIKES

UNITED [illegible]

EDWARD A. [illegible]

[illegible]

LONDON:

[illegible]

[illegible]

1894.

RETROSPECTIVE LESSONS

ON

RAILWAY STRIKES

UNITED KINGDOM.

BY

EDWARD J. O'B. CROKER,

GENERAL MANAGER,

CORK, BANDON AND SOUTH COAST RAILWAY,

AND

BALLINASCARTHY JUNCTION AND TIMOLEAGUE, AND TIMOLEAGUE AND COURTMACSHERRY EXTENSION LIGHT RAILWAYS.

LONDON:

SIMPKIN, MARSHALL, HAMILTON, KENT, AND CO. LTD.

31 AND 32, PATER NOSTER ROW, E.C.

CORK:

GUY AND CO. LTD., 70, PATRICK STREET.

1898.

Transport.

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IN giving a short preface to the pages of this book, let me first say that my entire efforts and intentions are towards the development and progress of the South of Ireland and its labour. That I have met with severe opposition goes without saying in trying to do so, but let me add in the words of Carlyle—"*Men's hearts ought not to be set against one another, but set with one another, and all against the evil thing only.*" "A certain amount of opposition is a great help to a man. Kites rise *against*, and not *with* the wind. Even a head wind is better than none. No man ever worked his passage anywhere in a dead calm. Let no man wax pale, therefore, because of opposition, opposition is what he wants and must have to be good for anything. Hardship is the native soil of manhood and self-reliance. He that cannot abide the storm without flinching or quailing, strips himself in the sunshine, and lies down by the wayside to be overlooked and forgotten. He who but braces himself to the struggle when the winds blow, gives up

when they have done, and falls asleep in the stillness that follows."

Now these are not my words, but I quote them :—

"Be just ih all thy actions, and if joined
With those that are not, never change thy mind;
If ought obstruct thy course, yet stand not still,
But wind about till thou hast topp'd the hill.
To the same end men several paths may tread,
As many doors into one temple lead.
And the same hand into a fist may close,
Which instantly a palm expanded shows."

I hope to merit a share of blame as well as praise for this work, while still holding to the Level rail, and Broad gauge line of discipline and duty.

E. J. O'B. CROKER.

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RETROSPECTIVE LESSONS

ON

RAILWAY STRIKES.

CHAPTER I.—IRELAND.

DURING many months of last year a spirit of discontent had been carefully stimulated through practically the entire Railway Service of the Sister Isle, and this country. In this country a meeting of Delegates of the Amalgamated Society of Railway Servants was held in the Trades' Hall, Capel street, Dublin, upon the 21st of May, 1897, under the presidency of the late Mr. Edward Harford, London, General Secretary, who opened the Conference with a short address. The Delegates who had prepared reports were then called on to read same, the first being the Secretary of the Passenger Guards', Ticket Collectors', Passenger Porters', and Railway Policemen's Committee, who submitted the report of that body. It contained the following resolutions:—

"That all main line Passenger Guards of over five years' service be paid 30s. per week; important Branch Guards be paid 26s.; minor Branch Guards, first year, 21s; second, 22s.; and third, 24s.; Assistant Passenger Guards on main line, first year, 21s.; second, 24s. All Guards, or men acting as such, when taken off regular run, be paid 2s. 6d. lodging expenses when out all night. That all men away from home on Sunday awaiting their train be paid 3s. 6d. expenses. That Ticket Collectors, Checkers, and Cloak Room Porters come under the one heading, and be paid according to the

National Programme, 25s. per week; and all future appointments to commence at 23s., and graduate 1s. per year until it reaches 25s.; and all travelling Ticket Checkers to be paid 2s. per day as expenses. That any porter working a train on branch lines in the absence of the regular appointed guard who do not work the trains during the whole day, receive 1s. 6d. That Platform Policemen be paid as in the National Programme, 22s a week. That for all porters working Sunday duty, to be paid time and a quarter, eight hours to be the maximum day's work, and any porter called upon to perform duty on more than one occasion to be paid a day's wages; three hours to be the minimum day's wages. That we, the Delegates assembled in Conference, agree that the employes on the different Irish Railways are not paid according to their service. We now in meeting assembled in Conference give our hearty approval to the scale of wages laid down in the National Programme, except Waterford and Central Railway, who are satisfied with present rate of wages, but want all other concessions. That at stations where night work is performed eight consecutive hours constitute a day's work, independent of meal hours; any time worked over to be paid time and a quarter. That all boy porters engaged at the age of fifteen be paid at the rate of 11s. per week, and to graduate 1s. per year till the age of twenty years, to be then paid as a man, as laid down in the National Programme."

William Pearson, of Belfast, moved an amendment that eighteen be inserted instead of twenty in the case of the resolution dealing with the boy porters.

The amendment was carried, and the report was then adopted.

Michael Donegan, of Belfast, read the report of the Goods Department, which contained he following resolutions:—

"That Checkers be paid at 25s. per week; that the Assistant Checkers be paid at the rate of 23s. per week; that Weighmen and Timekeepers be included and classed as Checkers, except at important stations where there are

weighmasters; that Goods Porters and Waggon Packers in goods yards receive 22s. per week; that all Carters employed by the Great Northern Railway at country stations be paid at the rate of 21s. per week; that all Goods Porters be paid at £1 per week, and a proportional increase to country stations, increasing after twelve months' service to 21s., and after two years' service 22s. per week, after twelve months' service to be placed on the permanent list, and receive a suit of uniform, and men in the employment at the present time with this service to receive the same increase, that is 22s.; that Night Watchmen be paid at the rate of 20s. per week; that Inspectors be paid at the rate of 38s. per week, and where an Assistant Inspector is employed he should receive 30s. per week; that Head Porters be paid at the rate of 35s. per week; that ten hours constitute a day's work, starting at 6 a.m., and leaving off at 6 p.m., and 2 p.m. on Saturdays. Gates of all railways to close at 5 p.m. on the first five days of the week, and 1 p.m. on Saturdays; that any man acting in a higher grade for one day or more shall receive the higher grade's wages."

Thomas O'Connor, of Cork, said he was instructed to apply for the same rate of wages for Checkers and Train Starters, and he moved an amendment that they receive 26s. per week. Train Starters only existed at Cork, and their duties were very heavy.

Michael Delany, of Cork, seconded the proposition.

J. O'Hagan, of Newry, said his branch considered that the closing of the gates at the hour proposed would not be suitable. They had to consider the public as well as themselves.

Michael Donegan, of Belfast, said "HE DID NOT COME THERE TO SUIT THE PUBLIC." What they wanted was just wages and fair hours, and he proposed five o'clock on five evenings of the week, and one o'clock on Saturday should be adopted, as in their Programme.

William Pearson, of Belfast, seconded the proposition, which was agreed to.

The report was then unanimously adopted.

William Rooney read the report of the Signalmen's Committee, which contained the following resolutions:—

"Special 1st, 30s. per week; 1st, 28s. per week; 2nd, 24s. per week; 3rd, 21s. per week; porters doing casual relief, 18s. per week. That, in order to reduce overtime to a minimum, a proper relief shall be appointed for every centre, so that they may be available when required, the rate of pay to be the first class rate, and a nightly allowance of 3s., and a minimum of 5s. for Sundays; that classification of signal cabins on all Irish railways be revised according to the traffic it has to deal with, cabins approaching the various termini having the traffic of the branches; third class boxes should be abolished; second class busy cabins, including outside junction cabins, to be made first, and busy first class cabins and junction stations made special first; that where signal cabins are open day and night the men get regular turn of duty by day and night; that we, the representatives of the Signalmen on the Irish railways condemn the system adopted by the various companies in asking signalmen to do porters' work during the passing of trains; that all Irish railways be asked to adopt a system of bonus according to the classifications—special first class, £5, first class, £4, second, £3, and third, £2; signalmen on the Waterford and Dungarvan and Waterford and Central Ireland, Sligo and Leitrim, and all light railways—that the weekly wage minimum be 18s., and the maximum be 24s. per week."

On the motion of Michael Buckley, Cork, seconded by Michael Donegan, Belfast, the report was, after a discussion, adopted unanimously.

Thomas O'Connell submitted the report of the Committee of the Goods Guards, Shunters, and Capstanmen. It contained the following resolutions:—

"That Goods Guards on all railways start at 25s. per week, and rise 1s. per year to 30s., and that men who have five years already receive the 30s. per week, and that men who have shorter service receive the advance according to their

service; that all Guards receive 2s. 6d. per night, lodging allowance, while from home; that Guards away from home on Sunday receive a day's pay; that nine hours constitute a day for Goods Guards, and 54 hours a week's work, the half-hour before starting and after the actual time of arrival inclusive; that all time worked between twelve o'clock on Saturday night and twelve o'clock on Sunday night be paid for at the rate of time and a half; that Assistant Goods Guards be paid 22s. per week, to rise annually 1s. to 25s. per week; that all Special Guards be appointed as Guards, and receive the Goods Guards' rate of wages, and be paid for overtime, as Goods Guards, and any Special Guard who has five years worked as a Special Guard receive full pay; that all Shunters who are constantly employed as such in busy yards be granted an eight-hours' day, and any man called on to take the place of a Shunter shall receive a Shunter's pay while performing that duty; that the scale of wages for Head Shunters be—to start at 25s. per week, and rise 1s. annually to 32s. per week; that Shunters of five years' service, if desirous, get preference when a vacancy for a Goods Guard occurs; that Shunters start at 23s. per week, and rise to 26s. per week at 1s. per week advance annually; that Foremen Capstanmen, and Capstanmen be paid and classed as Head Shunters and Shunters at first-class stations; that Incline Brakesmen be paid 25s. per week."

On the motion of Charles Wallis, Broadstone, seconded by Michael Delaney, Cork, the report was unanimously adopted.

William J. Fraser submitted the report of the Locomotive Committee. It contained the following resolutions:—

"Firemen promoted to driving to start at 5s. 6d. per day—first year, 5s. 6d., second year, 6s.; first year 6s. 6d. when promoted to goods or ballast trains; second year ditto, 7s.; when promoted to through goods trains, 7s. 6d. per day; drivers who have been over five years on goods or special work to be paid the same rate as through goods drivers; through main line passenger drivers, first year,

7s. 6d. per day; second year, 7s. 9d. per day; third year, 8s. per day."

"Drivers on Cork and Queenstown passenger trains be paid same rate as through main line drivers, and branch passenger men, running in direct communication with main line trains, be paid 7s. 6d. per day."

"Firemen—When promoted to Firemen, 3s. 6d. per day; after six months on main line, 3s. 9d., to increase every six months at the rate of 3d. per day until 4s. 3d. is reached; when promoted to passenger work, 4s. 6d.; after six months, 4s. 9d.; after twelve months or passed driver, 5s.; goods drivers on North Wall goods trains to be paid same rate of wages as regular goods; that goods and special drivers and firemen sent to do work instead of passenger men when necessary, be paid the same rate of wages as the men they are working instead of; that all time worked from the hours of 12 midnight on Saturday until 12 midnight on Sunday be paid at the rate of time and a half; that all Firemen be allowed the hour before starting time; that Drivers and Firemen be paid 2s. 6d. per night expenses when away from home; when provided with Company lodging, 2s. per night after first night from home, and be allowed to choose their own lodgings; that the directors be asked to give a yearly return of the annuity money stopped from the Drivers and Firemen. That they be put on the same rate of interest as the Traffic Officers Association, and that interest be paid on the money up to the time it is paid out by the Company; that Drivers and Firemen be not called on to perform duty unless they have at least ten clear hours off duty, unless in case of urgent necessity; that promotion be granted to Drivers, Firemen, and Cleaners, according to seniority and merit, who have graduated in the service; Coal Porters be paid 3s. 6d. per day; Foremen Cleaners be paid at the rate of 4s. 6d. per day, overtime to be paid as time and a half; Engine Cleaners, first year, 14s. per week; second year, 15s. per week, and third year, 16s.; Cleaners in charge of engines at out stations be paid 18s. per week; Fitters' Helpers, 3s. 4d.

per day; Steamrisers at Cork and Inchicore be paid 4s. per day, as the work is very hard."

"Lamp Men.—That nine hours constitute a day's work; change hands be paid at 3s. 6d. per day, assistant 3s. per day; complete suit and overcoat yearly."

"Train Examiners at busy junctions and terminal stations be paid at the rate of 28s. to 34s. per week, minor stations, 20s. to 25s.; that nine hours constitute a day's work at busy junctions and terminal stations, overtime to be paid as time and a half; that one week's annual holidays be granted, without loss of pay; Lifters in wagon shops, 17s. to 19s. per week; carriage shops, 19s. to 20s. per week; Greasers, 19s. to 20s. per week; that the suit of clothes be granted annually; Crane Men to be paid at the rate of 4s. 6d. per day."

On the motion of Thomas Murphy, Kingsbridge, seconded by William Pearson, of Belfast, the report was adopted.

The Chairman said it would be well if a resolution was passed on the subject of the Workmen's Compensation Bill, which he described as a very great advance on the Employers' Liability Bill of 1880. He was in favor of the principle of the Bill, but thought that inasmuch as the employer could by the payment of a small sum per annum get rid of his liability in respect to accidents to his employes, it did not give sufficient inducements to the employer to take stringent precautions against accidents.

William Pearson, of Belfast, moved, and James McMahon, Broadstone, seconded the following resolution:—

"That this Conference of Irish Railwaymen approves of the principle of the Workmen's Compensation Bill, but is of opinion that there is not sufficient inducements to urge the companies to provide proper safeguards against accidents to their employes."

The resolution was carried unanimously.

Thomas Murphy, of Kingsbridge, moved, and Richard Dunne, Kingsbridge, seconded a vote of thanks to the President of the Conference, and to Mr. Tevenan, Secretary, for their services in connection with its organisation.

The resolution was passed, and also a resolution of thanks to the Kingsbridge branch for their attention to the Conference.

The President and Secretary having replied, the proceedings terminated.

In addition to the foregoing there were also

"GENERAL CONDITIONS APPLICABLE TO ALL GRADES"

which formed part and parcel of the "National Programme," but which, so far as I know, were never published in the way they were presented—with the other demands—to the several Companies, and I accordingly quote them:—

1.—That we, the employes of all grades, in the service, respectfully demand the right to free representation through the officers of our Society, so that any grievances which may exist shall be placed before the heads of departments on our behalf, either by written communication or personal interview. We further demand that such officers shall be permitted to accompany any deputation or section of the men who may require their assistance in any interview which may take place between them, the directors, or officers of the respective Companies.

2.—That we strongly protest against the eyesight test imposed upon enginemen, firemen, and other grades in the service, and assert that nothing less than a practical test can be considered, and this to be satisfacory must be on the principle laid down for every man working, namely, the fixed signals and flags we work by.

3.—That six days shall constitute a week's work for all grades, and that eight hours constitute a day for Signalmen in junction and important station signal cabins, and Shunters in busy goods yards; nine hours per day for Engine Drivers, Firemen, Train Examiners at busy stations, Lamp Men, Goods Guards, and Platelayers, and that for the Goods and Passenger Staffs, Signalmen in country districts, and others who are not enumerated above, the working hours shall not exceed ten hours per day.

4.—That any time worked beyond that enumerated above be paid for at the rate of time and a quarter for ordinary time, and time and a half for Sundays, for all grades, except Platelayers, who shall be paid time and a half for ordinary time, and double time for Sunday. Sunday duty to be defined from 12 midnight Saturday to 12 midnight Sunday, and all time worked between these hours, even in the ordinary course of duty, to rank as Sunday duty, and be paid for as such.

5.—That when any men have to perform the duties of others, either in their own grade or any other, they shall be paid at the higher rate which would be paid to those they are relieving.

6.—That promotion be by seniority and merit, and that superior positions be restricted entirely to those who have graduated in the particular employment where the positions are vacant, and when those employed in any grade are fined for any offence this shall be considered sufficient punishment, and shall not debar those who have been fined, and who are entitled to promotion and increase in wages from receiving the same in the proper course.

7.—That workmen's sons get preference of employment to those outside the railway service. That all grades, including Engine Drivers and Firemen be paid for Christmas Day and Good Friday, whether working or not.

8.—That we respectfully ask that six days' leave of absence yearly be granted to all grades, including Engine Drivers and Firemen, with full wages, and that passes be granted twice a year to all workmen and families, also free passes, especially in case of death of relatives.

9.—That weekly payment of wages be substituted for fortnightly, and be paid to all grades on Fridays instead of upon different days of the week.

10.—That no man be called upon to resume duty who has had less than ten hours clear rest, unless under very urgent and pressing circumstances.

11.—That in order to facilitate the early closing of goods

yards and reduce the present excessive overtime working, goods yards' gates shall be closed at 5 p.m. on the first five working days of the week, and at 1 p.m. on Saturday, and that no goods be taken in after these hours, except where there is a properly constituted night staff kept. That all men who are six months continuously employed shall be considered permanent men after that time.

12.—That Firemen be allowed one hour before their trains are booked to leave; also that one shed day be granted on all railways to wash out.

13.—That Enginemen and Firemen be paid 2s. 6d. per night when from home; when provided with Company's lodging, 2s. per night after the first night, and be allowed to choose their own lodgings when not in Company's lodgings; and that 5s. per day expenses, in addition to usual wages, be paid to men having to attend to inquiries on behalf of their employers.

14.—That Engine Drivers and Firemen be supplied with one suit of clothes yearly, and one overcoat every two years.

That this apply to Carriage and Wagon Examiners, Lamp Men, and Greasers.

15.—Boy Porters begin with 11s. per week, increasing 1s. per week yearly till eighteen years of age, then full porter's wages.

16.—Porters engaged as Guards for any portion of a day to receive 1s. 6d. expenses.

17.—The hours of duty for Sunday and night work not to exceed eight hours, and any time worked after this to be paid for at time and a quarter overtime. When a man is called twice on Sundays, to be paid a full day's wages; minimum day, three hours.

18.—Platelayers in charge of busy crossings, 10s. and free house. Platelayers in charge at minor crossings, 6s. and free house.

Platelayers to commence work at 7 a.m., and leave at 5.30 p.m. in summer. In winter to commence at 7 a.m., and leave at 5 p.m. One hour to be allowed for dinner, and

cease work the year round at 1 p.m. on Saturdays. If a man is required to remain till the usual hour of leaving, a half day's pay to be allowed; the men to take the duty in turn. That 1s. 6d. per night lodging allowance be granted to men when from home. That proper huts be erected on the different lengths, so that the men can retire to them in wet weather.

22.—That Church holidays be granted.

23.—That Gangers walking over lengths on Sundays be paid a day's pay for so doing.

These wages and conditions meant a very considerable increase to the pay sheet. In the case of the Cork, Bandon and South Coast Company the advances varied from 12 per cent. per man to as much as 175 per cent. per man, the increases in the three Departments being:—

Traffic	...	...	£1,500
Locomotive		...	1,454
Permanent Way		...	2,127

} £5,081 per year, or

nearly 2¼ per cent. upon the Ordinary stock of the Company, and seeing the Company paid 3 per cent. recently, and which they hoped to continue, this demand, if acceded to, would leave the stock holders 17s. 8d. What a novel proposal, and one, too, completely at variance with the remarks of Mr. T. Harrington, M.P., who was present at the Conference on the 21st May, and who, when called upon to speak, said—" the strength of their demand, and the certainty of its success, depended upon both its justice and its reasonableness."

It was the boast of the organisers of the Association that they would insist upon extracting these demands from the several Companies, and so bent were they upon making themselves recognised that Mr. Tevenan, in one of his Dublin speeches, said that if every one of the demands made were yielded, except the first, which required the acknowledgment of the Amalgamated Society as a condition precedent to discussion, they would not be satisfied.

Numerous meetings were held throughout this country from May to December, inclusive, chiefly upon Sunday, and, from first to last, they were characteristic for strong, and, in many instances, insolent language, showing that the men being blindly ignorant thought they had sufficient brute force to carry all before them. It was not until the month of October that things became really warm, when, with the exception of the Dublin, Wicklow and Wexford and a few small lines, nearly all Companies received a cyclostyle circular from Mr. P. J. Tevenan, the Irish organiser, whose paper was headed "Amalgamated Society of Railways England, Ireland, Scotland, and Wales." This heading is worthy of note, for, later on, when the Society got into handigrips with the English Companies, and when Mr. Tevenan, in his own words, "felt very strongly about the attitude of their officers in England, who only moulded bullets which were fired with deadly effect by their opponents"—i. e. when the English Society refused him practical aid—when they advised him that "discretion on the part of the leaders was of greater value than courage in the rank and file," his letters then appeared in the papers merely headed "Irish Secretary's Office, Talbot street, Dublin," showing that he stood alone, as he clearly did from the first, and that his boast of having "the great English Association" at his back (vide speech at Athlone, Sunday, 15th November) was all bunkum. The circular referred to as received from Mr. Tevenan ran thus:—

"Gentlemen—I beg to enclose a copy of the Irish National Programme, drawn up by a representative Conference composed of all sections of the Irish Railway Service, held on the 21st and 22nd of May last, for your consideration. I am instructed by the vast majority of your employes to forward the Programme on their behalf, and to respectfully ask that you will arrange a suitable date upon which to receive a deputation already selected by them to discuss with you the various points and details they have been instructed on (the names and occupation of the delegates please find herewith), and, should you desire it, Mr. ———— in your employ,

has been chosen to act as a medium through whom correspondence referring to this question can be forwarded.—I beg to remain your obedient servant,

PATRICK J. TEVENAN, Sec."

"To the Board of Directors————Railway."

This was an ingenious way of trying to get the Amalgamated Society recognised straight off, for had the Companies seen the Delegates named, Mr. Tevenan would say the Directors had done so at his instigation, and if they had communicated with the employe "chosen to act as a medium through whom correspondence could be forwarded," it would also be said that course was adopted at the bidding of the Society. No notice was, therefore, taken of the communication, a course warmly approved of by several papers in this country and England, and respecting which the "Irish Times," in a leader of 12th November, said :—"The National Programme has not been admitted by any Irish Railway Board as a subject which can properly be discussed. It is necessary to look at the matter very directly. The Railway Companies, we hold, are perfectly warranted in saying that if their servants in any department have a grievance they are ready to hear it, and to receive them in stating it. That is the proper bound of combination. To go beyond it is not to combine, but conspire. If, in conceivable circumstances, the Board of Directors were willing, of their own sole motion and free accord, to extend the privilege to their workers of every class, superior and inferior, of coming before them as a general body of railway employes, that would be the utmost limit of conceivable concession to combination. But Mr. Tevenan and the Amalgamated Society desire something vastly different from a departmental representation, or even an enlarged demonstration of all the servants of a particular line—they talk of a National Programme ; that is, appearance for a widespread multitude of railway servants organised to enforce changes, enhance wages, and

alter hours in all parts of the kingdom. This must be refused. First of all, it is an illegal course, and to admit it would be to sanction what goes against the law. Secondly, it is not a straight and sincere effort to remedy anything wrong in local or particular management. Thirdly, those to stand forward as champions of the Programme are strangers to the position, rights, and wants of the Irish employes, and especially of the employes on each system, and all cannot possibly be ruled alike. The true business of the Companies is nothing less than to ignore the so-called National Programme."

The next move upon behalf of Mr. Tevenan was to address another circular to each Company, this time through one of the Company's employes, which read thus:—

"Gentlemen—About a fortnight ago the Secretary of our Society forwarded you a copy of a programme embracing the question of an increase in wages, and alterations in the conditions of service on behalf of the respective grades of workmen in your employ. In consequence of your having given no reply to the circular then forwarded, I am now instructed on behalf of all grades in the service, to enclose you another copy of the National Programme for consideration. I am instructed to say that the men whose names your Secretary is already in possession of have been selected by the respective grades to represent them at an interview with your Board. I am asked to request, on their behalf, that you will arrange an early date to receive them, in order that the National Programme may be fully explained to your Board. —I beg to remain, your obedient servant,

(Here follows the name of one of each Company's employes).

"To the Board of Directors ——— Railway."

The reply from each Company was almost the same, namely, that the Directors were always ready to receive deputations of any of the various grades of their men, and a day

was named for the purpose. In the case of the Cork, Bandon and South Coast Company it was 13th November, but upon that morning the Company received a letter from Signalman Buckley, presumably written by Mr. Tevenan, but signed by Buckley, intimating that as the Directors would not receive the deputation "as a body" the men declined to wait on the Board. The same day Mr. Tevenan published the following correspondence:—

"TO THE EDITOR OF THE EVENING TELEGRAPH.

Amalgamated Society of Railway Servants.

48, Talbot street, Dublin, Nov. 12, 1897.

Dear Sir—Kindly insert the enclosed replies received from the Great Northern and Great Southern and Western Railway Boards, and the men's replies thereto. The former has at once agreed to meet a deputation of its employes without hampering them with restrictions. The Great Southern and Western Board have also followed the good example of the Great Northern, and have expressed in their last letter a desire to meet a general deputation from all sections of the staff. There is practically no restriction in their case beyond that of hearing a desire exists among all sections to be heard in the Boardroom. The joint letter of the men's representatives, will, no doubt, clear matters up, and the interview be arranged satisfactorily. What a contrast is this to the action of the M. G. W. Directors, who have practically refused to give their own workmen a hearing, except they agree to prostrate themselves at the shrine of red-tapeism. The C. B. and S. C. and B. and C. Down Directors are suffering from the same mania, which, it is hoped, they will shake off before the more enlightened action of their fellow-directors on the Boards named.—Yours obediently,

P. J. TEVENAN."

"Great Southern and Western Railway,

Kingsbridge, Dublin, Nov. 10, '97.

Dear Sir—Your letter of the 8th instant has been submitted to the Directors at their meeting to-day, and as there

is an apparent misconception of my reply of the 3rd instant, I am desired to state that the Board will have pleasure in arranging to receive a deputation from each grade in the Traffic Department, as well as the goods guards, and should the other departments apply direct, deputations would also be received from them.—Yours faithfully,

FRAS. B. ORMSBY, Secretary.

Goods Guard James Slevin,
Goods Store, Kingsbridge Terminus."

"90, James's street, Dublin,
November 12th, 1897.

Dear Sir—I beg to acknowledge the receipt of your letter of the 10th instant, and in reply I am instructed to say that we are very pleased to hear that the Directors are willing to receive a general deputation from all grades of their workmen. We have fully considered the request made by the Directors, and see nothing unreasonable in their asking for an application from representatives of the other two departments. We have decided that to facilitate the arrangements, which must necessarily be made for the interview with the Directors, that it will simplify matters by making this letter a joint one on behalf of all the departments concerned; and on behalf of the Traffic, Loco., and Permanent Way Staff, we beg to ask that you will kindly arrange for the interview which the Directors are willing to grant to take place at an early date. The names and grades of those chosen as delegates are already before you, and we earnestly hope that no further hitch will occur in the arrangements for bringing the deputation before the Directors.—We beg to remain, on behalf of the three departments as hereunder, your obedient servants,

JAMES SLEVIN, Traffic Department.
JAMES SHANAHAN, Permanent Way Department.

F. B. Ormsby, Esq., Secretary,
Great Southern and Western Railway,
Kingsbridge, Dublin."

"20, Bayview avenue, North Strand,
Dublin, November 11th, 1897.

Dear Sir—I beg to acknowledge the receipt of your letter of this date. I am pleased to hear that the Directors have expressed their desire to meet a deputation of all grades of workmen in their employ, and, in consequence thereof, I beg to enclose you a full list of the representatives elected by the men to represent them. The questions to be discussed are, in the men's opinion, quite legitimate, and I am rather surprised that your Directors should have any different opinion until they have heard the men's case. I may point out to your Board that the grievances of the men are neither suppositious nor imaginary, but that they are real and very pressing; and as they affect each grade in equal proportion I am instructed on their behalf to hope that an early date will be fixed for the deputation to state their case in person to your Directors.—I am, your obedient servant,

WILLIAM BRANAGAN,
Signalman, North Junction, Dublin.

To the Board of Directors, Great Northern Company,
Amiens street, Dublin."

There was not one scintilla of a difference between Mr. Ormsby's letter of 10th November and that of the Midland Great Western, Cork, Bandon and South Coast, and Belfast and County Down Companies; it clearly mentioned that the Board was prepared "to receive a deputation from each grade" in the service, which is precisely what the other Companies were willing to do, too, and, as events subsequently turned out, was the very thing they did do. These Companies took a very "enlightened" view of the matter, and they shook off the "mania they were suffering from" in very plain terms, as will be seen later on.

At this time the men in the service of the Ballinascarthy Junction and Timoleague, and Timoleague and Courtmacsherry Light Railway presented the National Programme, and they received the following answer:—

"Ballinascarthy Junction and Timoleague, and Timleague and Courtmacsherry Extension Light Railway Company, Limited.

General Manager's Office, Cork,
13th November, 1897.

Gentlemen—In acknowledging receipt of your memorandum of 11th inst., for "an increase in wages as per National Programme," I would point out that this line is not worked by a board of directors, but under an Order in Council by a Committee of the Grand Jury of County Cork. I have to-day laid your petition before this Committee, who instruct me to say your request is one they cannot possibly accede to, for the line does not pay its working expenses, and this application would add close upon £200 a year in wages to the cost, in some instances as much as 60 per cent. per man, and in no single instance under 20 per cent. per man, and the ratepayers are already severely taxed.

As my Committee meet only once a month, they are anxious that I should be very frank with you, and they wish me to state that if you are dissatisfied with your posts you can relinquish them, and, so long as you do so in accordance with the "Rules and Regulations" laid down for your guidance, you can retire either individually or collectively; but remember, if you once quit the service, under no circumstances whatsoever will you be reinstated; and further, the 'National Programme'—a copy of which you sent me—will not be recognised in any shape or form by the Company. —Yours, etc.,

E. J. O'B. CROKER, General Manager.

To Guard Michael Kelly, and all Servants in the Traffic, Locomotive, and Permanent Way Departments of Timoleague and Courtmacsherry Light Railway, Courtmacsherry."

Commenting upon this letter the "Irish Times" in a leader of 15th November, said:—"We are unfeignedly sorry that any number of railway employes should have placed

themselves in the position to have received such a reply to their demand as has been given by Mr. E. J. O'B. Croker, General Manager of the Timoleague and Courtmacsherry Railway. No other answer was possible to those who came forward under what is styled the National Programme, and it certainly is a striking circumstance that the first railway in the kingdom, as far as we know, which has had this imperative call to surrender addressed to it is one of the Light Railways of Ireland, which are carried on for the benefit of remoter districts by public funds and guarantees, and as yet it pays no dividend. Those who are putting the National Programme in force do not appear to regard any special case, but begin to fight against the great Railway Interest in England by drawing the sword against a Grand Jury Committee in the south of the County of Cork. Could any step have been taken which would more strongly show that the movement in the form which it assumes is wholly without warrant? In its general and indiscriminating application we have its conspicuous wrongfulness, and also, as we believe, its essential weakness. The aim to bring all railways to a stop would at least have the merit of its daring if it were universal and equal. But to begin at Courtmacsherry is to assail the magnates of Euston, St. Pancras, or Paddington, from a very distant and curious quarter. If only a Cork Committee should be reduced to submission, what Board within the bounds of the United Kingdom could hold up against the Amalgamation? But Mr. Croker is, as he says, frank, and this is eminently a crisis in which frankness is required. The line does not pay its working expenses, 'and this application would add close upon £200 a year in wages to the cost, in some instances as much as 60 per cent. per man, and in no single instance under 30 per cent. per man, and the ratepayers are already severely taxed.' Such is the situation at Courtmacsherry at all events, and nothing is plainer in the case than that the National Programme means the closing up of the railway, with great damage to everybody in the district served by it. What, this being so,

is Mr. Croker's counter statement? That which was sure to follow:—'As my Committee (he says) meet only once a month, they are anxious that I should be very frank with you, and they wish me to state that if you are dissatisfied with your posts you can relinquish them, and so long as you do so in accordance with the Rules and Regulations laid down for your guidance, you can retire either individually or collectively; but remember, if you once quit the service, under no circumstances whatsoever will you be reinstated; and, further, the National Programme—a copy of which you sent me—will not be recognised in any shape or form by the Company.'

"It is kindness to the men to give this reply to Guard Michael Kelly, from whom as signatory the letter came. We hope that not only the comparatively few employed on this line, but the many men on other lines will have the wisdom to see that the answer is typical of that which they must expect, if they press for it, on every line in the country. The question is not one, as raised by them, or for them ostensibly by others, whether a particular class of men or body of men are entitled to larger wages or shorter hours, matters which there is no disinclination to discuss if properly presented, but has the very different form of a movement to force up wages to a common standard, inapplicable in one place if possible in any other. To such a movement there is no attitude which can be adopted except one of resistance on the highest grounds. In short, the conception of the National Programme, as we understand it, does no credit either to the ingenuity or courage of its promoters. They are embarking upon an enterprise which can have nothing but failure before it, and we have no hesitation in claiming for ourselves, so far as our opportunity or influence may extend, the character of being more friends to the men than to the Railway Boards in warning the men that they have nothing to gain from the action which they might be rashly induced to hazard. It will be well for them if once again they determine to show to the authors of the Programme that

Irishmen are not to be drawn into fighting, at their own cost, an entirely English battle. If the Programme is not brutum fulmen, let it be tried in England itself, and when it succeeds perfectly there it will be time enough to subject us on this side of the Channel, where our railways are less wealthy corporations, to its severe operation. At this stage, it is the plain duty of railway men to reject it as an instruction for their conduct; and, if they do this, they will place themselves thereby in the best position for making such representations to any Board of Directors as may be requisite, and they will have the support of the Press in any reasonable proceeding of that nature."

The "Cork Constitution" said:—"So far as we have been able to gauge the situation, public sympathy is not on the side of the men. The general feeling seems to be that, as a class, railway servants are not badly treated. There may be, and, doubtless, there are, individual grievances which need to be set right; but these, if established in the proper quarter, will, we feel sure, receive favourable consideration. Even if they do not, and if the railway directors concerned were to behave in the most exasperating manner with regard to them, their action would in no way justify the contemplated action of the men. The Directors of the several Railway Companies in Ireland have, we believe, now refused, and very properly refused, to received any organised representation of the men, while expressing their readiness to see any heads of departments who may wish to confer with them. A ballot is to be taken to-morrow or next day to determine whether—at the bidding of self-seeking agitators, who have nothing to lose—the men are to give up their comfortable situations, and receive, for a few weeks, strike pay from their own contributions. We commend to their thoughtful consideration a letter printed in another column which Mr. Croker has addressed to the servants on the Timoleague and Courtmacsherry line, because it conveys in plain terms what we fancy will be the general policy adopted towards railway men in Ireland should they be so ill-advised as to go to

extremes. The fact that this line is not paying its working expenses, and that a demand varying from 20 to 60 per cent. of an increase in wages is made, shows that the men are not guided by reason and commonsense. The demand is refused, and the men are told that the so-called National Programme will not be recognised in any shape or form. It is intimated to them that they are perfectly free to leave the Company's service, individually or collectively, but they are warned that, in the event of their so leaving, they will under no circumstances whatever be reinstated. Other Companies have also conveyed to the men that if they participate in a strike they will not again be taken into the Company's service. This strike, therefore, if forced, will do serious injury to the trade of the country; but certain it is that those who take part in it will be among the first and chief sufferers. If the Irish railway servants are not heartless idiots they will refuse to bring misery on their families, for the benefit of Englishmen, who are putting them in the forefront of their hostile movement."

Mr. Tevenan is again found in print. This time he is about to declare war against the Midland Great Western and Great Northern Companies, for he finds the Directors of those Companies not a bit in advance of the Timoleague and Courtmacsherry Committee, and he says:—"In consequence of the attitude they have taken up, a general ballot will be taken next week of all the railway men in Ireland to decide upon their future action. My Society have agreed in the event of a strike being forced upon us, to grant full protection and strike pay to the few men who are not yet members, in case they prove loyal and manly enough to come out to assist in the struggle, in which they have as much interest as their comrades who are members."

He also issues a circular to the men, characteristic for strong language, in which he makes a piteous appeal for their loyalty, which "must be given without stint or fear," clearly showing he was cognisant of standing upon unstable

ground, and respecting which the "Cork Constitution," in a leader of 17th November, said:—

"When the Organiser of an agitation of this nature gives way to ill temper it may be accepted as an indication that he already scents coming defeat, and Mr. Tevenan is clearly very angry, because he feels that his followers cannot be wholly depended upon. 'If you do not stand forward now in your places,' he says, 'every man as firm as a rock, you will live to curse the day that you surrendered your liberty to those who will have no mercy when you have placed your neck in the yoke again, after seven blessed years of freedom.' Mr. Tevenan can give advice with a light heart. He is, in this business, running no risk whatever. Not so, however, the men, who are hazarding their employment, the breaking-up of their homes, and the possibility of their having to fall back upon the emigrant ship as a final resource."

The "Eagle and County Cork Chronicle" also commented thus:—

"To neither Directors nor men is Mr. Tevenan willing to grant breathing time. To the most casual observer it is plain that he fears to let the men pause and think the situation over quietly—a fact from which one conclusion only can be drawn, and it is this, that he believes were they allowed to think, the Irish railway men would wash their hands of him entirely. Whether they will think or will not depends on themselves; but this is pre-eminently a crisis when the thinking must be done beforehand, not afterwards. And not only this, but it is also evident that this paid agitator is doing his best to rouse the temper of the men, to make them believe themselves slighted, because the various Directors are acting diliberately, and with caution."

The time had come for the Great Northern Company to see their men, and what occurred is minutely explained in the following letter from Mr. Morrison:—

"THE INTERVIEWS AT AMIENS STREET.

TO THE EDITOR OF THE IRISH TIMES.

Sir—As the action of the Amalgamated Society of Railway Servants is at the present moment a matter of public interest I am desired to suppy you with the following information, first giving you copy of my letter of the 11th instant to Mr. Branagan, one of the Company's employes, and of his reply thereto:—

Great Northern Railway Company (Ireland),
Secretary's Office, Dublin,
11th November, 1897.

Dear Sir—With reference to your letter of the 1st instant, the receipt of which has already been acknowledged, I am instructed to state that my Directors are always willing to personally confer with their men on any matter that is a subject of legitimate discussion. If, therefore, as is alleged, any of the staff feel aggrieved or are dissatisfied with the present rate of wages or conditions of service, let them appoint representative deputations of the different grades so supposed to be affected, and the Directors will receive them and give careful consideration to any statements that may be made.

If you will communicate to me the names of the proposed deputations, I will arrange an early time for them to be received by the Board.—Yours faithfully,

(Signed) T. MORRISON, Secretary.

Mr. William Branagan, 20 Bayview avenue,
North Strand, Dublin."

'20 Bayview avenue, Dublin,
11th November, 1897.

Dear Sir—I beg to acknowledge the receipt of your letter of this date. I am pleased to hear that the Directors have expressed their desire to meet a deputation of all grades of workmen in their employ, and, in consequence thereof, I beg to enclose you a full list of the representatives selected

by the men to represent them. The questions to be discussed are, in the men's opinion, quite legitimate, and I am rather surprised that your Directors should have any different opinion until they have heard the men's case. I may point out to your Board that the grievances of the men are neither suppository nor imaginary, but that they are very real and pressing, and, as they affect each grade in equal proportion, I am instructed on their behalf to hope that an early date will be fixed for the deputation to state their case in person to your Directors.—I am, etc.

(Signed) WILLIAM BRANAGAN,
Signalman, North Junction, Dublin.

To the Board of Directors, Great Northern Railway,
Amiens street, Dublin.'

Mr. Branagan called upon me on the 12th inst., when I stated I was authorized by the Board to arrange for deputations of the men to be received by them—the various grades of the Traffic Department Staff on Monday, the 22nd inst., and the Locomotive and Permanent Way Staff on Tuesday, 23rd inst. Mr. Branagan stated he had no authority to agree to this arrangement at that moment, but would call later. He came on the following Monday, the 15th inst., when it was arranged with him that the deputations would attend on the above-mentioned dates, as proposed, and, accordingly, provision was made for the men to be relieved from duty. On the following Friday, four days afterwards, Mr. Branagan again saw me at my office, and stated he was instructed to say that the men would not come to see the Directors unless they were all allowed to come to Dublin on Monday, whereupon he was informed that no departure could be made from the arrangement already concluded. He left, saying the men were determined not to come, but that he would call again the following day to see if the Company had anything further to say. He did so, and the same answer was given to him as on the previous day. He, however, came again later in the day to intimate that the men had been wired to to attend as originally arranged. On

Monday morning the Directors were in attendance to receive the men accordingly, when a message was sent into the Boardroom to the effect that Mr. Branagan must first see the General Manager before the deputation waited upon the Board. Mr. Plews, the General Manager, having seen Mr. Branagan as desired, the following proposals were submitted by the latter, viz.—

1 (a).—That Mr. Tevenan be admitted to the Directors without the deputations.

(b).—That failing this, the Directors give authority to their workmen to put their grievances before the heads of departments of the railway through the officers of the Society.

(c).—Failing satisfaction to these representations, the men be permitted to lay their grievances before the Board through the officers of the Society.

2.—That any decision arrived at by the Directors at the present interview shall be given in writing to enable delegates to lay it before their fellow-workmen for consideration.

3.—That a verbatim shorthand report of the proceedings be supplied to each delegate. If the Directors will not engage a shorthand-writer the Society will provide one on their own behalf.

After these points had been before the Directors the General Manager was authorised to state that the first application was declined, as the Directors could not acknowledge the Society, but would deal with their employes direct.

An hour or so later Mr. Branagan returned to the offices and informed the Directors, through Mr. Plews, that no deputation would meet them unless the Society was officially recognised, and they gave the Directors till 11 o'clock the following morning to decide the question. The Board were then asked to receive four of the men for the purpose of submitting their views on this point, which was agreed to. The four men, accompanied by Mr. Branagan, saw the Direc-

tors, and gave their reasons for insisting that the Society be recognised by the Company to look after the men's interests. The chairman explained that those interests were fully protected by the existing rules of the Company, which enabled every man in the service to bring before the head of his department any grievance he might have, and failing redress, to approach the Directors personally or by written application; and, he added, that after careful inquiry the Directors found that no complaint had been made to any of the heads of departments (and certainly none to the Directors) which had not been attended to and dealt with. The following resolution was handed to Mr. Branagan, with an intimation that the Directors were in waiting to receive the deputations, and discuss with them any matters they had to complain of:—

'The Directors have given full consideration to the views urged before them to-day demanding the recognition of the Amalgamated Society of Railway Servants to act on behalf of the men. The Directors see no reason to depart from the course they have hitherto pursued of dealing with their men direct, and decline to accede to the demand, or to acknowledge in any way the interference of third parties.'

After waiting till four o'clock, and the men not having presented themselves, the Board separated. At a late hour the following document was handed to me:—

'That having heard the Directors' reply to the three questions put before them on behalf of the whole staff as represented through the deputation, we regret that the appeals made have been refused by the Directors. We feel this all the more strongly because in this refusal the Directors have practically shut the door on an amicable settlement by their refusal to accept arbitration. Under the circumstances the men have no alternative but to unanimously refuse to accept the Board's decision as unfair and most arbitrary towards an organised body of men who have made legitimate claims, and who have done so in an amicable manner; and as we have the full confidence of the men behind us, we should

be false to the responsibility reposed in us if we accepted conditions which are degrading to every man in the service, and which we are equally as emphatic in rejecting as the Directors are on their side.'

The question of arbitration, which was only incidentally referred to by one of the deputation was not before the Directors in any of the proposals submitted on behalf of the men. All that they were asked to do was to see their men, and hear their statements as to any grievances they had to submit, but this arrangement has now been rendered abortive by the men refusing to meet the Directors unless they first acknowledge the Society, or agree to refer to arbitration their claim to such recognition.

The deputations of the Locomotive and Permanent Way Departments, arranged to wait upon the Board to-day, came to Dublin, but refused to appear before the Directors, except for the purpose of further discussing the question of the recognition of the Society by the Company, when it was intimated to them that the Directors were in readiness to receive the deputations as arranged with Mr. Branagan, on the 15th instant, but that they would not receive any further deputation on the question of recognising the Amalgamated Society of Railway Servants, which had been fully discussed and decided on the previous day. Shortly after this had been conveyed to the men, the following document was handed in by them:—

'That we strongly condemn the decision of the Board of Directors in refusing to meet the deputation on the question of recognition, as we are of opinion that we could have adduced arguments which would have caused the Board to alter their decision of yesterday, and should we have to resort to extreme measures the consequences will fall on the shoulders of the Directors, and not on those of the men.

That, seeing the hostile action the Board have taken in reference to our Society, we call upon Mr. Tevenan to have the ballot papers sent in with a view of supporting our demands.'

The Directors think it right I should add, that during the time the preliminary negotiations were in progress, and before the dates fixed by the Board for the reception of the deputations had arrived, ballot papers (copy enclosed) were issued to the men, apparently with a view to taking the matter practically out of the hands of the staff, and placing in the power of the Society to order a strike at any time.—Yours faithfully,

T. MORRISON, Secretary.

Great Northern Railway Company (Ireland),
Amiens street Terminus, Dublin,
23rd November, 1897."

COPY OF BALLOT PAPER REFERRED TO ABOVE.

Take notice that I.....will cease work at the expiration of.....days from this date, unless the demands made in the National Programme are granted and the deputation received by the Board of Directors.

Signed.....

Grade .....

To the.....Railway Company. Date.....

Just now Mr Tevenan issued a special circular to the Midland Great Western men, in which he said—"You are now on your trial. You have never flinched before, and I rely upon you to stand firm now, and let every man remember that divided you are slaves for your lives, and united you are bound to win." The Company, at the same time, sent the following letters to the Press:—

TO THE EDITOR OF THE FREEMAN.

"Midland Great Western Railway of Ireland,
Office, Broadstone Station,
Dublin, 17th November, 1897.

Sir—I am desired to send you for insertion in your journal the enclosed copy of a letter, which has this day been addressed to Signalman Rooney, in reply to a letter

received from him dated 11th inst., which has already appeared in the morning and evening papers.—Yours faithfully,

GEO. WM. GREENE, Secretary.

'Midland Great Western Railway of Ireland,
Offices, Broadstone Station,
Dublin, 17th November, 1897.

Sir—In reply to your letter of 11th inst., which I have this day laid before my Directors at their Board Meeting, I am desired to say that it would appear from the statements made at a meeting held in Athlone on Sunday last my letter to you dated 10th inst., in which the Directors of this Company informed you 'they are at all times ready to receive and consider the complaints of any of their employes of the different grades when conveyed to them by those feeling aggrieved through the heads of their respective departments,' has been ignored. I have now to repeat on behalf of the Directors the terms contained in my previous letter. I am further to add that ballot papers having been sent out to the Company's staff, the Directors wish the men to clearly understand that whilst they admit their right to leave the Company's service on giving the legal notice, any man so leaving need not hope to be re-employed by the Company.—Yours faithfully,

GEORGE WILLIAM GREENE, Secretary.

Mr. William J. Rooney, Signalman.'"

The Belfast and County Down Company also requested the publication of the following letter:—

"Belfast and County Down Railway,
Secretary's Office, Belfast,
25th November, 1897.

Dear Sir—I read your letter of the 12th inst. to the Directors at their meeting yesterday, and they instructed me to reply as follows:—It is not clear whether the 'questions in dispute,' which you say your Society is willing to leave to arbitration, refer to the demands in the National Programme or to the form in which a deputation should be received by the

Board. In either case the Directors see no good reason for a reference to arbitration having regard to the offer they have already made, namely, that they will receive separately deputations from all grades in the Company's service who may wish to discuss the questions of wages, hours of labour, or any grievance that may be alleged. But in an interview with any grade the Directors consider it would be altogether irregular and impracticable to have present the members of other grades who have no special qualifications for taking part in the discussion, being probably unacquainted with the duties and circumstances of the grade whose claims are being considered. For instance, it appears unreasonable that employes engaged on the permanent way should share in a discussion with engine drivers, or porters in a discussion with station masters. Such a claim it is believed is altogether new, even in the history of trade societies.

"The Directors in taking this position emphatically disclaim all intention of interfering with the men's organisation. On the other hand, they are entitled to claim that that organisation shall not interfere between them and their employes in regard to the performance of their duties by the latter. The Directors are responsible for the safety of the travelling public, and it is impossible to maintain the discipline necessary for that object if the Amalgamated Society continues to insist on the retention in the Company's employment of inefficient or careless employes.

"As regards the National Programme, the Directors wish to say frankly that they could not possibly concede its demands. To do so would mean the reduction of the dividend by about one-half, or to maintain that dividend by a considerable increase in fares and rates. Rates of wages of railway employes must, after all, bear some relation to those paid for similar labour outside the service. That the service is popular is evidenced by the constant applications received for employment.

"As regards the hours of labour, I am to remind you that these are, in most grades, controlled by the Board of Trade,

under the authority of an Act of Parliament, which Board is, in that respect, an arbitrator, with statutory powers to enforce its decisions.

"The Directors have no reason to believe otherwise than that the majority of the Company's employes are disposed to what is reasonable and fair, but as the men are being urged by a few malcontents to sign undated ballot papers, which may commit them to a course of action entailing serious consequences, they are now asked to think the matter over carefully, and to consider well their actual circumstances before they give over their own right of action to any outsiders.

"An extravagant programme has for many months been dangled before railway employes as a bait to induce them to join the Amalgamated Society, and the men themselves and their families, and not the authors of the programme, are now asked to endure the hardships and the sacrifices involved in a strike. If the authors had themselves regarded the programme as bona fide there would have been no need for the constant language of warning and menace to employes that has been indulged in during the past few weeks, and the bribe of strike pay to those who have preferred to remain outside the ranks of the Amalgamated Society.—I remain, yours faithfully,

THOS. J. BRITTAIN, Secretary.

Mr. Thomas Ward, 16, Annette street, Belfast."

Upon the 26th November deputations representing different sections of the employes of the Great Southern and Western Railway waited on the Board of Directors at Kingsbridge Terminus for the purpose of laying before them the demands made in the National Programme. Mr. Tevenan sent to the Board of Directors (in writing) a number of questions, to which they sent back written replies. The first question was whether the Board would receive Mr. Tevenan with the deputation. The reply was in the negative, the Directors stating that they could not admit third parties.

The second was whether the Board would recognise the Society either through its agents or through the branch officers, who were employes of the Company. The reply was in the negative. The third was whether the Directors would permit a shorthand-writer to attend with the deputation and take a note of the proceedings on behalf of the deputation. The reply was in the negative. The next was whether the Board would supply to the delegates a report of the proceedings taken by their own shorthand-writer. The reply to this question was also in the negative. The fifth was whether the Board would allow four men representing the whole body to remain in the room while the deputation representing each grade or section was being heard. To this arrangement the Directors also refused to assent. The next question was whether the Directors would give facilities to all the delegates by releasing them from their duties to meet together and consider the replies of the Directors to their demands. To this question a negative reply was also given. The Directors were also asked to fix a date on which they would reply to the demand. They declined. The members of the deputation were then admitted in sections, each section representing a grade.

Touching this proceeding the "Irish Times" said:—

"As we predicted would be the case, no advance has been made in the matter of the apparently artificial dispute of the railway men with the several Irish Boards. Deputations waited on the Great Southern Directors yesterday, as they had done on the Great Northern before, and immediately the same difficulty arose. The men having required the acknowledgment of the Amalgamated Society as a condition precedent to a discussion, and the presence of Mr. Tevenan as its agent, the Board, like other Boards, had no option but to refuse. A ballot paper, so called, will be issued, which is in reality a blank notice as to a day of strike. The Irish Boards are now seen to be at one in their action, but this is less from a positive agreement amongst them than from the necessity of the quarrel. Their firmness is to be

calculated upon, not from their union in resistance, but from the fact that, as we have all along said, it is impossible that they could recognise the Amalgamated Society in the claim which it now universally makes. The public have a word to utter in this business, and it is that they never will admit the right of Mr. Tevenan to interpose between not only the railway servants and their masters, but between the users of the lines and their rights in using them."

Upon Sunday, 28th November, what was termed a mass meeting of railway employes was held in the Trades' Hall, Dublin. Mr. Tevenan presided, and the following resolutions were passed:—

(1) "That this mass meeting of railway men pledge themselves to stand loyally by the Midland Great Western Railway men and Great Northern Railway men in the fight for liberty in which they are now engaged; and we feel confident if all the men stand loyally together that victory is certain to follow their efforts."

(2) "That this mass meeting strongly condemns the action of the Midland Great Western Railway Company in authoising its officers to intimidate the workmen under them, and we hereby call upon the Irish Secretary of the Amalgamated Society of Railway Servants to give the Directors twenty-four hours' notice for all men, as a protest, if this is carried on further."

(3) "That this mass meeting hereby instructs Mr. Tevenan to serve notice on the Great Northern Railway Company of Ireland and the Midland Great Western Railway Company at once; and we offer him, at the same time, to offer arbitration either through the Board of Trade or other impartial tribunal."

The Chairman concluded a long speech in these words:—"If they followed him he would never lead them into danger; he could see victory ahead if the men stood by him; they would never be able to assert their Society if their rights were not asserted now." This last statement is significant, and very few thinking people—to say nothing of strong-minded Directors—will differ from it.

Respecting the appeal to arbitration, the "Cork Constitution," in a leader of 30th November, said:—

"When matters are becoming desperate, there is the arbitration trick to fall back upon. If the men's demands are not granted, then submit them to arbitration. Surely nothing could be fairer or more reasonable than this? And the arbitrator, who is ever ready to officiate, steps in when he gets the chance, and easily fixes the quarrel by a process of what is known as splitting the difference, and nobody is quite satisfied except the arbitrator, who gets a cheap advertisement for impartiality. We do not expect that the present quarrel between the Railway Companies and their servants will on this occasion reach the arbitration stage. And if the men are looking forward to any such means of escape from an unpleasant situation of their own creation, it may be no harm to remind them that employers have latterly been setting their faces more and more against any such intervention on the part of outsiders. Why should there be arbitration? There is nothing to arbitrate about. If any body calling itself a union chose to demand that half the profits of an establishment should be given to its funds, would there be any sense in referring that proposal to arbitration? And if a man insists that you shall work for him without payment for so many hours a day, is that a subject for arbitration? The idea is absurd. The Directors of the several Companies will, no doubt, give due consideration to the representations which have been made to them by their employes; but we think it very improbable indeed that they will, under pressure of a threatened strike, make any concessions which would not be just as readily secured if there were none of these elaborate preparations for a labour war."

The "Cork Examiner," said:—

"We would ask the men to do nothing rashly, to keep well inside the limit that they feel in strict justice they might attempt, and, above all, to make sure that they are not precipitating themselves into a hopeless venture. They should beware of being led whither they voluntarily would not go."

The "Cork Herald" also said:—"Employers have some rights; and their rights ought to receive respectful consideration. In the case of railway servants it becomes more necessary that grievances should not be forced to the arbitrament of a strike, for here the public necessities come in, and a dislocation of traffic and a period of stagnation in trade must inevitably result. Closing of private works, no matter how disastrous, affects only certain individuals or firms, and the public at large have no direct interest. But in railways we have institutions authorised by Acts of Parliament to be made and worked, bound to carry Her Majesty's mails and the parcel post, under contract also to convey passengers at least by one train a day on terms fixed by enactment; and beyond these obligations to the Government, warranted to run at times and under conditions for safety prescribed by the Board of Trade; and, to state the case wider still, supported by the public for its purposes of business and convenience, to the extinction of other accommodation for travel, and the placing of every interest and necessity in the hands of Directors as a trust which they are bound to fulfil in keeping their roads open, and their machinery of engines and men efficient and ready for constant and unfailing service. A strike order on such an organisation affects the public even more than it affects the employes or the railway proprietors."

Nothing was being left undone to impress the Directors of the several Companies and the public at large with the idea that the men were desperately in earnest, and that in the event of their demands not being fully acceded to they were determined to enter upon a general strike; touching which the "Cork Constitution" said:—

"But, despite all this manœuvring, the conviction continues to force itself upon the public mind that, if there is a strike at all, it will not be of the general and widespread character which the agents of the Amalgamated Society of Railway Servants would have us to believe. The Directors of the Cork, Bandon and South Coast Railway saw those of their employes who have any grievance to complain of. They refused to see Mr. Tevenan, the Amalgamated Society's

organiser for Ireland, and they also refused to see the officials of the local branch of the organisation. In fact, they acted the same as the Great Southern and Western Board, and the Railway Directors generally throughout the country, by consenting to hear from representative men in each grade what it is they complain of, and promising to give their applications consideration, and to let them know the result as soon as possible, declining to fix a date upon or within which their decision is to be made known. The Railway Companies have ever expressed their willingness to listen to representations made to them by their own employes. The Amalgamated Society have been endeavouring to upset this arrangement. The last thing they desire is that the men should have free access to their employers, and at the outset of the present agitation they sought to justify this attitude by representing that if any of the railway servants were to approach the Directors they would at once become marked men, and would pay the penalty of forfeiting their employment upon the first opportunity. During the past week or two this plea has been falsified. The men have shown that they are actuated by no such fear, and they have, grade after grade, gone freely before their Directors and made known what it is they complain of."

At this time the "Freeman's Journal" thus expressed itself in a leader:—

"The meetings of railways servants are not encouraging to the hopes of peace. At Belfast the men of the Great Northern Railway declared themselves ready for war, and at the meeting yesterday in Dublin Mr. Tevenan was instructed to serve strike notices on the Directors of both the Great Northern Railway and the Midland Great Western. Mr. Tevenan's speech was meant to stiffen the resolution of the men. He told them of their strength and of the weakness of their foes, and promised them certain victory. This is the language usual on such occasions, and Mr. Tevenan takes the measures he judges most calculated to produce the results that he desire. But a strike is a very serious thing, not only for the proprietors of the railways, the Boards of

Directors, and the community generally, but also for the men. It ought to be used only in the last resort, and when the evils of the situation are such as to justify the most drastic measures. No doubt the men know what is their interest, and Mr. Tevenan cannot act without their mandates. But men often commit themselves to such adventures in the hope that they may never be called upon to act, and the result is sometimes discouraging."

The "Irish Daily Independent," which more or less sided with the men all through, and therefore could not have been included in Mr. Tevenan's fine burst of indignation against the Press when he said, "You have been libelled, scorned, and ridiculed by their hirelings through the public Press," wrote the following article at this juncture:—

"The Great Southern and Western and the Great Northern Companies have both consented to receive deputations, and, judging by the tone of the speeches at yesterday's meeting, their action has created a good impression. There would be fewer labour disputes if the parties concerned met in a friendly spirit to discuss the points at issue at the outset, as is being done in the cases of the Great Southern and Western and the Great Northern Railways. Pending the result of the discussions which are to take place this week, it would only tend to complicate matters to express an opinion one way or another on the subjects of controversy. We have no doubt that if the claims put forward by the men are discussed in a reasonable spirit on both sides that the controversy will have a happy termination."

As already pointed out, the two Companies named did nothing different from the others, and the credit given to them here for more enlightened action does not apply.

Mr. Tevenan followed up his speech just quoted by serving notices to cease work, stamped with the date December 1st, upon the Great Northern Railway—to come into operation 15th same month. Respecting this procedure, the "Cork Examiner" said:—

"The number of men joining in this move is given as 1,983, or 93 per cent. of the staff. On the face of the

The Chetwynd Viaduct.

announcement 93 per cent. represents a very formidable majority of the body concerned. But is it quite certain that all that majority are resolute, are altogether free agents; or is there an unwilling minority among them who have been more or less coerced into this action? Outside opinion is not altogether clear that such coercion does not exist and has not been used. Without imputing anything we may say that it is distinctly unfortunate to the men's claim on public sympathy, that Mr. Tevenan has been so prominent a figure in this affair. It may not be his or the men's fault, but undoubtedly Mr. Tevenan has appeared to the public at large more like an absolute dictator of the Roman Republic type than one of a representative delegation in which each delegate has equal voice and equal power. As we say, it may not be the fault, it certainly is the misfortune of the men. It has served to mould public opinion against their movement. We do not wish to injure any class of workers in our country, but we cannot help seeing the obvious, and the sympathy of the public is so weighty a factor in these matters that the men we consider would hardly be justified in proceeding to extremities when it was declared diametrically opposed to them."

It would therefore appear a strike was imminent, but there were those who believed it would not come, and they were right. The whole hope was that the Companies would not remain firm, respecting which the "Irish Times" said:—

"The pretension to exercise control over them is so monstrous they cannot but resist it. It is easy to see more largely that in this railway struggle the whole system of trades unionism—its privilege of combination and legal right—is at stake. If it could stand where the Amalgamated Society designs it should, it would be an annoyance that a special law, if no other means exist, must abate. There is everything in the position of the organization as it places itself before the Irish Boards that is vicious and intolerable. It gravely prejudices the interests of the men themselves, as they soon will come to see. They are badly handled in this matter. The mistake is grave. If, indeed, the notices,

like other moves that preceded, are no more than a demonstration, a piece of dramatic display, stratagem and not business, we can understand the intention up to a certain point as not entirely a folly. But if they go beyond this they are a betrayal of the true prosperity of all railway servants."

The Great Northern Company took the whole proceeding very coolly, and they put the following advertisement in the English and Irish papers:—

"Wanted men to fill vacancies in the traffic, permanent way, and locomotive departments on this railway. Good wages and permanent employment secured. Applications may be made to the heads of each department at Dublin, Dundalk, and Belfast, or to any of the Station Masters on the line."

This course, and the great number of applications received for employment, disconcerted Mr. Tevenan. He endeavoured to make light of it; and, addressing a meeting in Belfast upon the 3rd of December, he said:—

"The Company were asserting that they could get men to fill the places of their present employes. He declared that if they could get 6,000 men to take the places of the 2,000 men who would come out if their rights were not conceded, the Great Northern could not work their line for one hour out of the twenty four."

Following up the action of the Great Northern employes, notices of intention to cease work were also served upon the Midland Great Western Railway, by Mr. Tevenan, 3rd December, upon behalf of, it was said, 1,379 men. The action called forth the following observations from a leading paper.

"The attitude of the Midland Company, it need hardly be said, has not undergone a change owing to this proceeding. They fully recognise the gravity of the step taken, and express regret that at a period of the year when the severity of the weather may entail acute suffering on those dependent on their employes, such a course should have been determined on. It is pointed out that the men have acted

with full knowledge of the responsibility and the consequences entailed, for the views of the Directors, in the event of such action being taken by the men, have been more than once put before them. It is further stated that there are numerous applications for employment lying with the Board; and, once positions vacated are filled, the results to those voluntarily going out cannot but be deplorable. The attitude of the Midland Railway Company towards their employes has always been one of kindness and toleration, and no name has been held in higher respect among railwaymen generally than that of Sir Ralph Cusack, who has so long and so ably guided the fortunes of the Company."

A large number of servants of this, as well as Great Northern Company, for whom ballot papers were lodged, had requested that their papers might be withdrawn, some alleging that the paper was not signed by them, and others asserting that they were coerced to sign against their will. As the Companies had a large number of applicants for permanent employment—it being their intention not to reinstate any official who went on strike—they issued a form of their own to the men to see who were in earnest, and, above all, to know the number of places to be filled up, so as to carry on the business of the line after the time mentioned in the notices to cease work had expired, and the result was most encouraging, and showed how the men had been terrorised over. Meetings of a most excited nature continued to be held in various parts of the country, every possible effort being made by the organisers of the Society to try and get the men up to fighting point, but the end came somewhat summarily, for Mr. Bell, the Acting General Secretary of the Amalgamated Society in England, had addressed the following letter to the President of the Board of Trade:—

"Amalgamated Society of Railway Servants,
Club Union Buildings, Clerkenwell Road,
London, E.C., December 3rd, 1897.

"To the Right Hon. C. T. Ritchie, M.P.,
President of the Board of Trade.

"Sir,—You are doubtless aware from Press reports that

there has been for some time an agitation for improved conditions of employment by the men employed on the various railways in England and Wales, which has now developed to a critical position. I am directed by the representatives of the men to lay the whole facts of the situation before you, with a view to your kind intervention in the matter, to bring about a conference of the men's and the Companies' representatives to discuss the various points at issue, thus preventing a possible serious dislocation of the railway communication of the country. The facts are as follows:—

"The men employed in the various grades by the several Companies have been for some time endeavouring to negotiate with their respective Companies direct for improved conditions, but with no satisfactory results. After many futile efforts in this direction—and a feeling being engendered in the minds of the men that they are being played off against each other by the respective Companies—they came to the conclusion that to be successful united action would have to be taken by the various grades simultaneously. With that object in view conferences of each grade of the service were held at different times between November, 1896, and April of this year, at which the conditions of the respective grades were discussed, and proposals formulated, copies of which the General Secretary was requested to forward to each Company, accompanied with the names of seven of their employes, and a request that an interview might be granted to them to discuss the various questions with their respective officers or Directors. The Companies ignored this request to meet their own men, which naturally created a feeling of dissatisfaction amongst the men generally.

"Failing to obtain recognition of such reasonable requests, they decided to meet together, all grades, to consider the situation, and for this purpose a conference was arranged at Birmingham, on October 11th and 12th last, when 120 representatives of the men met, and decided to merge the various grade proposals together, to be presented to all the Companies simultaneously. I was then instructed to forward the united proposals to each Company, and invite replies by

November 16, at the same time to offer to refer the matters to arbitration if the Companies could not see their way to accede to our demands. Again we fail to receive a favourable reply from any of the Companies, some not even acknowledging the receipt of our communication.

"Another conference was then held at Birmingham, on November 23, to consider the replies, which were entirely formal acknowledgments. After careful consideration, the conference decided that an appeal be again made to the Companies for replies, and the offer to refer the matters to arbitration repeated. I was also further instructed to issue a manifesto to the men, and ascertain their feeling as to how far they desired to press their claims upon the Companies by the withdrawal of their labour. This is now in progress, and there appears to be great determination on the part of a very large number of the men to obtain such consideration by the Companies.

"The situation is now very critical, and it is the especial desire of all that any such calamity as a general railway strike should be averted. Our particular desire is that the Companies should meet the men's representatives in conference before, and not after a strike. We feel convinced that your intervention can bring this about, and your influence prevail upon the Companies not to precipitate such a disaster on such a reasonable request.

"Any further information that I may be able to supply that may be of service in establishing a peaceful settlement I shall be most happy to furnish.

"I beg to remain, sir,

Your obedient servant,

RICHARD BELL.

General Secretary, pro tem."

The answer came by return of post and it read thus:—

"Sir,—I am directed by the Board of Trade to acknowledge receipt of your letter of yesterday's date, addressed to the President, directing his attention to the agitation for improved conditions of employment by the men employed upon various railways in England and Wales, and requesting

Mr. Ritchie's intervention in the matter, with a view to bringing about a conference of representatives of the men and Companies to discuss the various points at issue. You state that you forwarded to each of those Companies a document in which various grade proposals were merged together, that you invited replies to these documents by November 16th, and that you offered to refer the matters to arbitration. The Companies could not see their way to accede to your demands. You state that there appears to be a great determination on the part of a very large number of the men to force their claims upon the consideration of the Companies, and that it is the special desire of all that any such calamity as a general railway strike should be avoided, and you ask the intervention of the Board of Trade in order to persuade the Companies to meet the representatives of the men in conference before and not after a strike.

"In reply, I am to state that your letter contains no copy of the document to which you refer; but when it appeared in the Press the Board made themselves acquainted with 'the proposals' contained therein, and have since that date watched with some apprehension the course which has been adopted by the Amalgamated Society with regard thereto.

"The Board of Trade regret that neither from the manner in which the document containing 'the proposals' was presented to the Companies, nor from the matter which it contains, was a prospect of a friendly reception of it by the Companies more hopeful, and the Board are unable to consider that, even if they were disposed to urge upon the Companies the request made by you for a conference with this document as a basis, a favourable answer would be given to such a request.

"Railway men have onerous and responsible duties to perform, and they have deserved well of the State. They stand in an exceptional position among workmen, and Parliament has recognised that fact by passing legislation dealing with their hours of labour. The Railway Regulation Act of 1893 has provided means by which questions of excessive hours of labour may be brought before this Department and

dealt with under that Act. Many representations in favour of a reduction of hours have been made by the Board of Trade to individual Companies, and the Board feel it right to say that, as a rule, the Companies so addressed have readily acceded to the suggestions made to them by the Department in the interests of the men. The Board have no reason to doubt that the several Companies will listen to and discuss with the men in their employment any representations with regard to matters affecting the interests of the latter; but should there be any case in which difficulty occurs in obtaining such a friendly meeting, the Board will readily use their good offices with a view to the removal of the difficulty. The opposite policy, namely, that of endeavouring to deal with the Companies as a body, presents no prospect of success, and the Board feel that no good purpose would be served by entering into negotiations with the Companies with the view of obtaining a conference.

"They regret, therefore, that they must definitely decline to intervene in the manner suggested in your letter.

"In conclusion, I am to say that any attempt to force the claims of the men by a strike would be entirely inconsistent with the exceptional position which the men have claimed from, and which has been secured to them by the Legislature, and would show such an entire disregard of the convenience of the travelling public as the Board of Trade refuse to believe that any considerable proportion of the men would desire to display.

(Signed) COURTENAY BOYLE."

Sir Courtenay Boyle's letter was dated Saturday, 4th December, and the same day a letter was addressed to him by Mr. Tevenan—i.e. Sir Courtenay Boyle's letter in reply to Mr. Bell, and Mr. Tevenan's direct appeal to the Board of Trade crossed. The latter's letter read thus:—

"Honourable Sir,—I am directed by the members of my Society in this country to place before you the position of affairs in connection with the movement for an increase in wages and reduction in the hours of labour of all sections of workmen in the employment of Irish Railway Companies.

The men, whose representatives formulated the National Programme in May last—copies of which I have the honour to enclose you—and which has been adopted by the employes of all Railway Companies in this country, instructed me to forward a copy of this programme to each Board of Directors, which I did. We waited for a fortnight to give each Company time to reply, but, I regret to say, that they have not done so, either directly or indirectly. The men then decided to forward a second copy of their programme through an employe of each Company. This was acknowledged by two of the important Companies, namely, the Great Southern and Western and the Great Northern. These two Companies agreed to receive deputations to discuss the programme. The deputation to the latter Company was the first to meet their Directors, but, unfortunately, a rupture occurred between them on the question of the Directors refusing to receive Branch Secretaries—employes of theirs—to present any grievances which any sections of the men might be subjected to through the respective heads of the Departments for consideration. The men feel that the refusal of the Directors to grant this right was a very serious blow aimed at their combination. They offered to refer the question in dispute to arbitration, but this the Directors refused, and the men, having no other alternative, tendered the Company fourteen days' notice on the 1st December, failing a settlement of the points at issue.

"The Midland Great Western Directors have refused to meet their men except individually, and, as we have failed to make any change in the direction of a settlement, notice was also served upon them on the 3rd inst. to cease work on the 17th. The position is, therefore, very serious, and the men feel that if a conference could be arranged between the Directors and themselves the difficulties which now stand in the way of an amicable settlement would be removed, and that a strike, which must prove disastrous to every interest in the country, would be averted.

"With this object in view I am instructed by the men to request that you will use your good offices in accordance

with the powers conferred upon you under the Conciliation Act to bring such a conference about, and if you consider it necessary to enable you to carry out this, that the notices that have been served should be withdrawn. The men will be quite satisfied to accept your advice in this matter.

"I beg to remain, yours, etc.,

P. J. TEVENAN."

This letter needed no answer, for one was already sent to Mr. Bell, and, besides, the movement had already received the coup de grace from the Society's own organ, "The Railway Review," the editor, Mr. Maddison, M.P., having reviewed the circumstances which led up to the deadlock, said, in the issue of that paper of 3rd December:—

"In England organised railwaymen make no claim to have a majority inside their ranks, though that happy consummation is likely soon to be reached. Still, the fact that it is not yet accomplished is a factor in the situation. We say unhesitatingly that in the event of the ultimate refusal of the Companies either to consider the demands or submit them to arbitration, a strike would be their just punishment, but other and more practical considerations must decide it. The doctrine that honour requires either a settlement or a strike must be dismissed as utterly absurd, and altogether unworthy of adoption, or even to be seriously entertained. If there is not a resort to extreme measures it only means that what is deemed expedient to-day may become, through the employers' stupidity, a necessity to-morrow."

Mr. Maddison went further, and said:—

"It is all a question of the size of the battalions. Are they at present large enough? Candidly, we think not, and that alone is why we favour a further period for strengthening our forces before the final encounter."

Touching same the "Irish Times" truly remarked:—"The notices for a strike here are inopportune. The Amalgamated Sociey is not ready for such action. It is not prepared. The men are instructed to postpone it. The battalions are not up to the proper strength. Certainly not. There must be in such case no precipitation—and if so, where

do the Irish workers stand? What backing have they? Is there any treasury on which they can rely? Who has given them a pledge that the chest will be opened for them? Have they got the key of it? Are they depending on others in London to unlock it? What if those should decide—as they seem plainly to intimate they will—that it is better not to waste the money in Ireland?"

The severe rebuke administered by the Board of Trade, Mr. Maddison's candid remarks, and the firm attitude of the Irish Directors, brought about the inevitable reaction, and Mr. Tevenan wrote to the Great Northern and Midland Great Western Companies withdrawing the notices, and in doing so he said: "We now admit their right to manage their own affairs, and to show that they—i. e., the Directors—are as anxious for peace as are the men, that no man who has taken part in this movement shall be interfered with by those in authority over them." Here was the very man who was straining every nerve to precipitate a crisis cooly turning to the Directorate to save him from the consequences of his own action. Could anything be more absurd?

Numerous articles now appeared in the papers of this country and England upon the happy turn events had taken —the "Yorkshire Post" thus expressed itself:

"A sharp transformation has taken place in the railway agitation during the last few days. Not only have the trades union officials, who a week ago were pretending that they had the whole railway world at their back in a strike policy, had to confess that they dare not move an inch towards a strike, but this morning they formally abandon the imposture christened the 'National Programme.' This is the joint effect of the tart letter of the Board of Trade, and of the examination which the so-called 'executive committee' have made of the extent to which the railway servants were prepared to place their situations at their mercy. Nobody with a practical acquaintance with permanent railway staffs believed there was any substance of truth in the boasts of the salaried agitators, who, from first to last, have traded upon the discontent of a handful of irresponsible malcontents, with

whom, for one reason or another, promotion has not been as rapid as they thought themselves entitled to. Daylight has now been let into the scheme, and it is seen to be as hollow as a drum. It had no support from the great body of railwaymen, whose views alone were worthy of consideration; it had no support from the Engine Drivers' and Firemen's Association; it had no support from even the organ of the Amalgamated Society itself, and Mr. F. Maddison, M.P., its editor, has resigned his post rather than allow a group of rival candidates for the secretaryship to pit their ambitions against his cool judgments as to the true interests of the service."

The Directors of the Cork, Bandon and South Coast Company now expressed a wish to see a deputation of their men, and having fixed the 29th of December for same, in the Board Room, the Chairman addressed them thus:—

"We have asked you to meet us here to-day because we are anxious that the good feeling that had existed between us for many years should be restored, and for this purpose think it is necessary that we should fully understand each other.

"Do not take anything I shall say to-day as a threat; I do not intend anything of the kind, but I think it would not be fair to you not to give you plainly and candidly my opinion of what has lately occurred here, and if your own good sense should tell you that I am right I hope you will act on it, and not allow yourselves to be led away by strangers, who, you may depend upon it, have not nearly the same interest in your welfare as we have.

"For some time past meetings have been held all over the line, at which language had been used bordering on insubordination; if this continues it will be difficult to maintain discipline where discipline is so essentially necessary, and it must result in injury to yourselves.

"You also presented what I may call a pistol at our heads in the shape of the 'National Programme,' and called on us to accept it. I do not think you would have done anything so foolish if you had for a moment considered its effect.

Kinsale Junction.

We have paid for the last ten years an average dividend of £2 14s. 6d per cent., not a very extravagant dividend; but your programme cooly proposed to take £2 1s. 8d. of it, leaving 12s. 10d. for the shareholders. Surely, you could not be so unreasonable as to expect this line will be worked almost exclusively for the benefit of the men.

"Referring to the recent interviews we had with the men, we were much pleased with the manner in which they came before us; they stated their claims most clearly and properly. We have carefully considered all they laid before us, and we are quite satisfied that they have no general cause of complaint as to rate of wages or other conditions of service, especially when the general state of the labour market in the country is considered. At the same time, it may reasonably be expected when a large number of men are employed individual cases of grievance will occur, and we will always be glad to inquire into and redress such, when brought before us in a proper manner.

"In the present instance, we are satisfied that concessions should be made to some of the men, and our decision will be communicated to them by the heads of their departments, and will come into operation in the next week, commencing on and after to-morrow, Friday.

"I have now only to add that I hope henceforth we will all pull together cordially in promoting the interests of the Company, and in doing so, you may depend upon it, you will also be promoting your own."

Several of the men replied. The majority of them expressed the hope that what had occurred would not be remembered against them, and they were told it would not. Even the boldest of the orators can be forgiven—although it is a pity they do not measure their words as they ought. The victory marked the complete failure of the principle of a national compact to menace strike. Such a design called up every element of resistance, as it ever must; it proved an entirely impotential movement, I trust not to be repeated this side of the Channel.

Bandon Station.

When the preceding was written I little dreamt that the Cork, Bandon and South Coast Company was in for almost instant trouble; the blow came "like a bolt from the blue," and was a surprise to everyone. It happened in this way:— Upon the 8th of January I received the following report from Mr. Wagner, Passenger Station Master, Cork:—

"I beg to report that shortly after 10 a.m. yesterday I examined Train Record Book, and found that there was no entry whatever of a special engine which left here at 7 a.m. for Clonakilty. Signalman Buckley, who was in charge, left duty at 7.30 a.m., and Devlin, who relieved him, knew nothing of the matter. I again visited the cabin at 11.25 a.m., and found that, during the interval of my first and second visits, the train had been entered by Buckley, who, when called upon for a written explanation, said:—"I was very busy with the gates at the time, and it slipped my memory; in a cabin like Cork, where such a pressure of work comes on a man at one time, it is almost impossible to run to the Record Book at the precise moment, and it often happens that you will have to wait for a quiet five minutes to enter up a train."

Respecting this statement Mr. Wagner reported further:

"From the time he took up duty at 10 p.m., 6th inst., until he left off next morning at 7.30 a.m., he only opened the gates—which are interlocked with the cabin—in all six times (this is taken from the gate book, and is entered in his own handwriting), and only once from the time he took out the staff for special engine until he left duty; so that Buckley's explanation falls to the ground."

A clear thirty minutes passed from the time the engine left the station until he went off duty, during which time he had nothing to do except to record the signals for it, which, according to the Record Book at Waterfall, passed there at 7.18 a.m., when that station gave the "train off" signal, and it should instantly have been acknowledged and recorded in Cork Record Book if Buckley was there. The non-entry was in direct violation of Block Rules 78 and 81,

for the signalman relieving Buckley had no knowledge of the departure of the engine; it was further in violation of Block Rule 250 relating to signalmen's duties in relieving each other. Buckley, prior to this, had been repeatedly cautioned, and once fined 2s. 6d. for carelessness—in fact, as far back as December, 1896, I wrote Mr. Wagner, in reply to a report received from him, thus:—"I have received more reports from you re carelessness on Buckley's part than on the part of any other man. Is there anything you would suggest with regard to him?" and he replied:—"Buckley is fairly good, only that he has not the habit of looking about him carefully, and I have drawn his attention to this frequently. All his mistakes I attribute to this cause. I think a severe caution, pointing out that if he is not more careful in future he will lose his place, may do him good."

All these remonstrances failed to make Buckley as attentive as he should have been, and as it was clear to see he was becoming more careless the case in question came before the Directors 12th January, who expressed a wish to see him that day week, and having done so, and heard what he had to say, they thought it prudent to remove him from Cork to Ballinascarthy, and this order (which said nothing about a reduction in his wages) was read to him Thursday, 20th January, by Mr. Wagner, who reported he had done so, and that Buckley replied: "I won't go; I'll work my week's notice." He called upon me next morning, expressed great regret for the error he made, and promised to turn over a new leaf, and asked me would I intercede with the chairman upon his behalf to have his case reopened, as he was very anxious to remain in Cork. I told him I would, and it was arranged that he was to come back the following Monday morning, 24th, for an answer. I had seen the chairman in the interval, and from the report I gave him of Buckley he appeared disposed to give him another trial, and said to mention the case at next Board.

To my surprise, Saturday, 22nd January, at eleven o'clock, a deputation of all the men in Cork asked to see me; they

were headed by Signalman Clarke (who was off duty). He said "they were displeased at Brother Buckley's transfer"—in fact they would not listen to his being removed, and they said they wanted the order cancelled.

I told them I had no power to interfere with the orders of the Directors, and I pointed out that Buckley was with me the previous day, that I had promised to mention his case to the Chairman, with the object of having it further considered, and I enquired if they were aware of this fact, with which I said Buckley appeared thoroughly satisfied, and they said they were not; they then left.

At 6.30 p.m. the same evening the following notice was enclosed to me under cover:—

"To the Board of Directors, Cork, Bandon and South Coast Railway.

Cork Station, January 22nd, 1898.

Gentlemen—We, the undersigned, in your employment, hereby give notice of our intention to cease work at twelve o'clock on Monday, 24th inst., unless our demand for the reinstatement of Signalman Michael Buckley, to whom you have recently given notice of removal from Cork Signal Cabin, is conceded, as the circumstances do not justify such punishment being meted out to him, and it is the opinion of the staff that his transfer is due to the active part he has taken in the recent movement for the improvement of their conditions of service. We, therefore, consider it our duty to defend him by every means in our power, as, we feel sure, his is only the commencement of a system of victimising."

I immediately wrote as follows to both Passenger and Goods Station Masters:—

"22nd January, 6.30 p.m. I have now received the memorandum signed by the following men in your Department, addressed to the Board of Directors, to the effect that they will cease work at twelve, noon, on Monday next, unless the Directors' orders in sending Signalman Michael Buckley from Cork Cabin to another be rescinded. The men must

Albert Quay Terminus, Cork.
(Advance party of Strikers walking out of Station).

know that the Directors will not be here in the ordinary course before Wednesday next, and that I have no way of consulting them now. They must further be aware that their contemplated action is illegal, because they are not giving a week's notice; and if they throw up work at the time and date mentioned, they will have to take the consequences. The effect of this you will, please, intimate to them."

Meantime the men were busily engaged in telegraphic communication with Mr. Tevenan, who clearly made the worst of the situation, and deceived the hands down the line under the plea that Buckley was "dismissed," as the following telegram, handed in at Amiens Street, Dublin, at 11.45, 22nd January, will show:—

"To HARRINGTON, Head Porter, Bantry.

Arrange meeting to-morrow to take action on Michael Buckley's dismissal; will send speakers from Cork; men will be supported defending their comrades. Wire me now.—TEVENAN."

Harrington handed the telegram to his Station Master to send to me, with an intimation that he did not wish to have anything to say to Mr. Tevenan. Precisely at twelve, noon, Monday, 24th January, nearly all the men then on duty in Cork struck work, and walked out the entrance gate of the terminus four deep. As incoming trains arrived, the Guards and, in some instances, Drivers and Firemen, left off work, and telegrams continued arriving until midnight announcing men at one station or another having joined in the strike, so that in about twenty-four hours altogether 350 men were out. The Company immediately advertised for Traffic men, and during the week some four or five hundred replies were received; a vast number of these were useless, others could not produce proper credentials, and were told to go about their business, and a lot of others who were accepted worked a day or so, and then ran away, or, what amounted to the same thing, did not return in the morning; this was particularly noticeable with the hands engaged from Cork

City and County. By degrees men came from other counties, and these we quartered in the station; a limited train service was maintained, the ordinary time table having been suspended, a fair share of drivers having remained in, and the clerical staff acting as guards. By the end of the week we ran an occasional goods train, and even a special with millstuffs for the west.

Meantime Mr. Bell, the Acting General Secretary of the Amalgamated Society of Railway Servants came over from London, his departure from Euston having been telegraphed with a great flourish of trumpets. On his arrival at Glanmire Terminus, Cork, he was met by the Irish Secretary and a large number of the strikers, who cheered him several times. The men then formed in processional order, and, headed by Mr. Bell and Mr. Tevenan, proceeded four deep to Coburg Street. They were joined en route by a number of men of the Great Southern and Western Railway Company stationed at Cork and other places along the line. On arriving at their rooms a meeting was held, and, subsequently, Mr. Bell wrote me thus:—"Having been informed of the crisis now existing on your system I arrived here to see what may possibly be done to terminate it. I am, therefore, prepared and will be pleased to have an interview with you to discuss the situation, at any time and place convenient to you with that object in view." The reply was to the effect that the Company I represented did not recognise the Amalgamated Society of Railway Servants, and I was, therefore, unable to meet him. I subsequently made it clear to a Press representative who called upon me that my Company acknowledged the men's right to association, but they did not, nor never would, admit that any such privilege formed a justification for dereliction of duty, or insubordination to the Management. The Company were anxious to give the men every opportunity of retrieving their position, and they, therefore, decided not to fill the vacant posts until Saturday, 29th January, respecting which the "Cork Constitution" said: "We publish to-day a notice from the General Manager of

the Cork, Bandon and South Coast Railway Company notifying to the men who have gone on strike that their places will be kept open until Saturday, and that if they are not prepared to return to work steps will be at once taken to fill all vacancies. This will, in our opinion, give the men a very favourable opportunity of reconsidering their position. They adopted last Monday, without due consideration, their decision to strike. They left their employment without giving the usual legal notice, and by doing so they committed a legal offence, and alienated the sympathy of the public. To all intents and purposes this makes their present position untenable, and renders their prospect of success in the struggle with the Company very remote indeed. In a spirit of true friendliness with the men we suggested yesterday that they should return to their employment unconditionally, and give the Directors an opportunity of considering any application which might be made individually by Signalman Buckley. We repeat that advice to-day, and we give it for the men's own sake. At present the men occupy a false, and, as we said already, an untenable position, as the result of the undue haste they displayed in throwing up their employment."

Mr. Bell's advent in Cork was an unfortunate one for the men, for, like Mr. Tevenan, he completely deceived them. It will be remembered that the latter party tried to pull them out upon the cry of "dismissal," and now the Acting General Secretary, being irate at having come from headquarters to be merely kept at arms length by the Company, he organises a meeting, which was held in the men's rooms, Coburg Street, Cork, Thursday, 27th January, and he concluded a long speech with the following piece of injudicious advice:—"His part was done, and so far as the threat that unless each man applied for reinstatement on Saturday next summonses would be issued, all he had to say was, when a policeman served them with a summons, let them accept it and bring it there to him. There was no imprisonment in the question; it was only a fine. They would not be asked to pay the fine—he would pay it for them" (great cheers).

The probability is a great number who applauded this peroration are of a different mind now, for they were not asked to pay a fine, but instead sentenced to different periods of imprisonment in H. M. Cork Gaol, and some, too, with hard labour. While Messrs. Bell and Tevenan were keeping up the men's excitement various representatives of the Cork Chamber of Commerce and members of the Cork Corporation sought interviews with the Directors with the object of trying to effect a settlement, and, if possible, give further time prior to importing new hands. After very great pressure from the President of the Chamber of Commerce, the Board agreed to extend the time until noon, Monday, 31st January, and, at the same time, the following letter was addressed to Mr. Ahern:—

"General Manager's Office,
Albert Quay Terminus,
Cork, 28th January, 1898.

Dear Sir—With reference to your interview with me to-day, I see no reason why the strike on this line should not be brought to an end upon the following conditions:—

1st—That the men return to work unconditionally.

2nd—That Signalman Buckley take up duty at Ballinascarthy, and, when there, if he will write me to have his case reopened, I will recommend the Directors to do so.

Yours faithfully,
E. J. O'B. CROKER.

J. Ahern, Esq., T.C., Maylor Street, Cork."

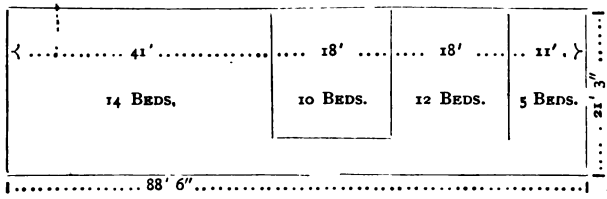
At the request of the Secretary of the Cork United Trades Association, the Directors agreed to receive a deputation from that body on Saturday, 29th January, at 11.30 a.m. They said they came on their own account, being interested in the trade of the city, and they asked if it was possible to get the men to approach the Board direct, would they see them. The chairman said they were then—as always—quite ready to see their own men, and it was agreed that the Board adjourn until 3 p.m., and thus give the men an opportunity of appearing before them. Upon the Directors

assembling at hour named, a deputation of the men on strike entered the Board room. The chairman told them the conditions upon which they were then willing to reconsider Signalman Buckley's case, as mentioned in the letter to Mr. Ahern, at the same time pointing out to them that in removing him to Ballinascarthy I had recommended his wages should not be reduced. They left, one of their spokesmen, Goods Porter Daniel Coakley, Cork, giving an assurance that, after conferring with the rest of the men, a definite answer would be sent direct from the men that night, not later than eleven o'clock. At the hour named I received the following letter from Mr. Bell, of the Amalgamated Society:—"I am requested by the employes of the Cork and Bandon Railway, assembled at a meeting at 9, Coburg Street, to consider the report of the deputation who waited upon the Directors this evening, to inform you that they have adjourned the meeting until to-morrow afternoon, when discussion of the various points will be resumed, and a decision arrived at, which will be conveyed to you on Monday morning."

Time passed, but the Company having received no communication from the men up to the limit of time, 12 noon, 31st January, they proceeded to telegraph for Drivers, Firemen, Guards, Signalmen, and Porters, all of whom had been communicated with during the interim, so that in a short time we had as many hands as sleeping accommodation could be procured for at the stations; for we had to house and feed all new comers, otherwise they would suffer persecution from the pickets. It would appear the men were disposed to come back upon the conditions named in the letter to Mr. Ahern "provided they got a written guarantee from the Directors that Buckley would be reinstated in Cork within a week," respecting which the "Cork Constitution" could not refrain from remarking in an editorial of 1st February:—

"The men on strike from the Cork, Bandon and South Coast Railway yesterday missed another and, we fear, their last opportunity for resuming their employment. They were

GROUND VIEW.



Cork Barracks.

IN ADDITION, SLEEPING ACCOMMODATION WAS PROVIDED FOR THIRTY MEN IN CORK WAITING ROOMS.

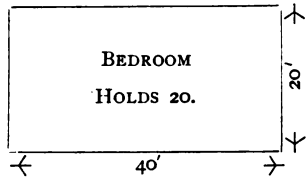
quite willing to return to work unconditionally. Buckley was willing to take up duty at Ballinascarthy Junction, but they required, as a condition precedent, that the Directors should give either a written or a verbal understanding that Buckley would be restored to his position. It was tantamount to saying: 'These Directors are slippery boys, who cannot be trusted, and it is necessary to have a guarantee in advance as to what they mean to do.' The matter has, unfortunately, now gone beyond mending. During the next few days the Company hope to be in a position to resume their full traffic arrangements, and those on strike will have to seek employment elsewhere when the resources of their Association are exhausted."

Yet another proposal was made to the Directors by a member of the Cork Corporation—it was to refer the matter to arbitration. The very fact of proposing such a course where the only difference between the Company and their employes was a matter of discipline may seem strange, but it is only a further proof of how imperfectly the public sift any dispute that may arise between employer and employed before launching forth their proposals which they think far ahead of anything the employer could work out for himself without their aid. The following was the proposition, and answer:—

"Members' Room, Municipal Buildings,
Cork, 1st February, 1898.

Dear Sir—I am sure it will not be considered obtrusive on my part as one deeply interested in the general good of the community, and especally desirous of serving the trading and working classes of the city and province, if I venture to make a friendly proposal, which, if accepted by your Directors, will lead, I feel assured, to an amicable settlement of the dispute between your directors and the men now on strike. I have taken the trouble to make myself acquainted with the views and dispositions of both parties to the disagreement, and I have the assent of the men to the proposition which I now make, and which I shall ask you to place before the

LOFT PLAN.



Bandon Barracks No. 1.

THERE WERE TWO ADDITIONAL BEDROOMS, HOLDING 15 AND 25 RESPECTIVELY.

Directors of the Cork, Bandon and South Coast Railway Company at the earliest opportunity. It is, that all questions in dispute between the Company and their employees be submitted to the arbitration of His Honor the Recorder of Cork, his Worship the Mayor, and the President of the Chamber of Commerce and Shipping, with full power to pronounce thereon a decision which shall be final and binding upon all parties. I sincerely trust the Directors will see their way to accepting this mediation in the spirit in which it is proposed, and in which it has already been received and assented to by the men. The tribunal which I have named is one that cannot fail to command the respect and confidence of all interests, and I sincerely believe both sides will have reason to congratulate themselves if they unreservedly submit to its judgment in an emergency so critical as the present.

I am, dear sir,

Yours very truly,

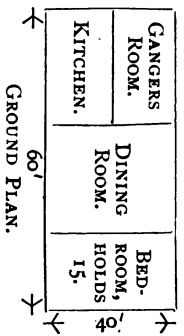
AUGUSTINE ROCHE.

E. J. O'B. Croker, Esq., General Manager."

"Cork, Bandon and South Coast Railway,
Secretary's Office, Cork,
2nd February, 1898.

Dear Sir—I am directed to thank you for your letter of 1st instant, addressed to the Company's General Manager. The Board warmly appreciate your kind intentions, and they desire me to assure you that no one can regret more than they do the unfortunate dislocation of traffic, and inconvenience caused to the public, by their men having suddenly left the Company's employment. With a view to avoiding this loss and inconvenience, the Directors went as far as they possibly could to enable the men to retrieve their position, and warned them that if they did not resume duty by noon on Saturday, 29th ultimo, their places would be filled up. At the request of the Cork United Trades Council the Board subsequently received a deputation of the men on strike, and by desire of the President of the Chamber of Commerce

Bandon Barracks No. 2.



GROUND PLAN.

they extended the time for resumption by the men of their work to twelve, noon, on 31st idem. Many of their places have been filled up, and the Directors regret that it is too late to reopen the question in any way. I am, further, to say that my Board could not for a moment entertain the question of submitting to arbitration the question of their maintenance of discipline on the line, and, while thanking you for your proposal, they regret they cannot agree to it. They desire me to take this opportunity of saying that they cannot now enter into any further negotiations in the matter.

I am, dear sir,

Yours very truly,

R. H. LESLIE, Secretary.

Alderman Augustine Roche, J.P.,
Municipal Buildings, Cork."

Meanwhile the Company experienced no difficulty in getting men to do their work. They would in all probability prior to the date of Mr. Roche's letter have had all vacancies filled were it not that they received but a few hours' notice of the intention to strike, while out of consideration to their men who treated them so badly, and in deference to the public wish, the interval had been spent in trying to effect a settlement. No settlement, however, would be acceptable to them, apparently, that did not spell victory, and enable the strike leaders to show that they were giving value for their salaries.

Summonses had been served upon twenty-eight of the Cork strikers, returnable at the Police Courts Wednesday, 16th February. Prior to their being heard the half-yearly meeting of the Company took place, 9th idem; there was a large gathering of Shareholders, and in referring to the strike the Chairman said:—

"Now gentlemen, before proposing the adoption of the report, I think it necessary to say a few words on the subject of this unhappy strike. On Saturday, 22nd January, at

6.30 p.m., the men lodged the notice to quit work the following Monday, at twelve, noon, unless the signalman was reinstated in the meantime, and, accordingly, on Monday, perfectly reckless of the convenience and safety of the public, reckless of the law and of their engagement to this Company, out they went. No one could regret more than we did this quarrel with our men. We knew that we had lost many good men; men who had been in the service for years, and for whom personally I had a great regard. We were most reluctant to lose them, and we believe that many of them were reluctant to leave us. We were, therefore, anxious, if possible, to save them from the consequences of their own act. We were anxious to save the merchants and travellers of the city and county from loss and inconvenience, and to save the people in the district increased cost of living, which they could badly meet. Bearing all this in mind we went as far as we could, perhaps too far, in offering to reconsider the signalman's case on certain conditions. This offer was refused. The question then simply became this—was the management of the line to be under the control of the employees or of the Directors, the representatives of its owners, and there was no course left to us but to see that question out with them. In the last ten years we have spent in improvements on our property, outside the ordinary wear and tear, £142,000, and are we to subject ourselves to the risk of having the fruits of our labour and expenditure, and the safety of the public endangered by the negligence and carelessness of our men? Certainly not. The men must understand distinctly that discipline must strictly be maintained, and that any default of duty will receive its meet punishment, quite irrespective of the individual, and of its consequences to us, even to the extent we are now contending with."

Several Shareholders spoke, defending the action of the Company, the most notable being Sir George Colthurst, bart., and Mr. K. B. Williams, Mallow.

Sir George Colthurst proposed a cordial vote of thanks to the Chairman and Directors for their action during the past

half-year. On behalf of the Shareholders he thanked the Directors for their action and firmness in not allowing interference in the management of their property.

Mr. Williams said :—"In taking the course you did no unprejudiced person can say that you acted either harshly or carelessly, and in giving the men every opportunity to return, by a promise of a careful consideration of Signalman Buckley's case, you showed the public clearly on whose side the fault lay for the present unhappy position of affairs—unhappy, indeed, for the misguided men who have lost comfortable situations, and who will find strike pay in the present, and when that ceases soft talk for the future, a very bad substitute indeed for the posts they have lost. I must say I sympathise with the men, who, in their hearts, would rather have stayed in, but who weakly yielded their secret judgments to the noisy minority who went into this strike so lightly, and with such little cause. The course taken by the management, from beginning to end, appears to me to have been clearly one of defence, not defiance. Such a course will have the sympathy and support of every Shareholder who will give sufficient attention and thought to the matter."

At this juncture a very serious and wanton outrage was perpetrated upon a number of inoffensive and defenceless soldiers who reached Cork for the purpose of rejoining their regiment. The military men, who were attired in civilian dress, arrived from Milford on board the City of Cork Steam Packet Company's steamer, "Innisfallen." They had served in the reserve force attached to the 1st Hampshire Regiment, and under the new Army order came from Winchester to Cork with the intention of rejoining the regiment with increased pay and prospects, and this fact probably explains the circumstance that the men were not in uniform. A strike picket who were particularly on the alert for new hands who were expected to reach the city from Milford closely observed the passengers as they disembarked at Penrose Quay, and on seeing the nine Englishmen leave in a body the picket at once approached them with the idea that they were "blacklegs." One of the

The S.S. "Innisfallen."
(Military Recruits arriving.)

soldiers asked for information as to where the Barracks was situated, and made a mistake in asking for the Bandon Barrack. "Come along, we will show you," said a member of the crowd, and in this way the strangers were treacherously drawn down to a less frequented portion of the quay. The next thing the military men heard was the cry of "blacklegs" being raised, and in a few seconds they were surrounded by a crowd numbering fully four hundred persons, the majority of whom were strikers and their sympathisers. There was much hooting and groaning and jostling of the soldiers, who asserted what they were, and denied any intention of having come across to take up employment on the Cork and Bandon Line. The mob became momentarily more menacing, and seeing their danger some of the supposed blacklegs actually produced official documents which revealed the fact that they had served in the 1st Battalion of the Hampshire Regiment at Winchester, and had come to join the 2nd Battalion of the regiment stationed in Cork. The fury of the crowd had been, however, raised to such a pitch that the protests of the military men went unheeded, and then ensued a most disgraceful scene. The party were set upon by the picket and beaten in a most cowardly fashion. Sticks were freely used, and some of the party were actually knocked down and kicked upon the ground until the blood flowed freely. Intelligence of the outrage was conveyed simultaneously to the Constabulary and to the Military Barracks, and they made all haste to the place indicated, but, unfortunately, the assailants had in the meantime disappeared. The crowd were dispersed by the police, and the wants of the injured men were then attended to. It was found that two of the men received serious injuries, and the others were more or less badly beaten. The more seriously injured men were conveyed on a car to the Military Hospital. On arrival there they were immediately attended to by the military surgeons. It was ascertained that one had received a serious scalp wound, which would necessitate his detention in hospital for some time. Another of the party had his ear split; another sustained similar injury to his upper lip, while all the rest had

black eyes, abrasions, and suffered naturally from the scandalous treatment they had received. The police experienced great difficulty in tracing the organisers or ringleaders of this attack; but they left no stone unturned, and ultimately succeeded in arresting seven of them. They were subsequently prosecuted by the Crown, the Amalgamated Society defending the men at great cost, which was the best possible proof they knew they were implicated.

The names of the accused were:—Michael Finnegan, Daniel M'Grath, Jeremiah Murphy, Philip Moloney, Denis Sheehan, Thomas Kiely, and John Barry, and they were charged with having at Penrose Quay, in the City of Cork, with other persons unknown, on the 18th February last, with force and arms, riotously and unlawfully assembled and gathered together to disturb the peace, and did assault one William Bridle and others.

Sir Francis Brady, Q.C.; Mr. George Wright, Q.C.; and Mr. J. F. Moriarty, B.L. (instructed by Mr. H. T. Wright, Crown solicitor), appeared to prosecute, and

Mr. Seymour Bushe, Q.C., and Mr. Brereton Barry, B.L. (instructed by Messrs. Wynne and Wynne), appeared for the prisoners.

With the exception of Denis Sheehan they were found guilty, and his Lordship in sentencing them said:—

"You have been found guilty by the jury upon evidence which was convincing to my mind, as well as to theirs, of having taken part in this most disgraceful riot—the most disgraceful riot that has occurred in this city for many years. They have recommended you to mercy upon the ground that you acted upon a sudden impulse; that many of you are not connected with the strike, and that a small sentence would, in their opinion, probably tend to terminate the strike which, unhappily, has existed for such a lengthened period in this city. I am always most desirous to pay attention to, and give effect to, the recommendation of any jury, but especially a jury so intelligent as that by whom you have been tried, but, by virtue of my position, I owe a duty to society, and a great responsibility rests

upon me. I am responsible to preserve the peace of this city as far as in me lies, and if the sentence which I pronounce be ineffectual to prevent other persons in your position from engaging in similar disturbances, for the future the responsibility will not be upon the jury but upon me, and I say frankly that I feel myself unable to incur such a responsibility, having regard to the evidence that has been given in the case. In my opinion the fact that some of your numbers are not parties to the strike does not alleviate their guilt. In my opinion the probabilities that are likely to result from any alleviation of your sentences is a matter that is not to be considered now. If in the future there be no repetition of the disturbances, if the unhappy relations that exist between capital and labour in this city at present are brought to an end, matters then can be represented to the tribunal with whom rests the prerogative of mercy. But I feel myself strongly, that if, instead of doing justice as between society and you who have outraged the principles upon which society alone can exist, that I would have no answer to give for my conduct. The sentence of the Court upon you who I believe were the two ringleaders of this disturbance—Michael Finnegan and Daniel M'Grath—is that you be kept in prison and to hard labour for a period of 15 calendar months from the present day. The sentence of the Court upon you Jeremiah Murphy, Philip Moloney, Thomas Kiely, and John Barry, is that you be kept in prison and to hard labour for a period of 12 calendar months."

The "Cork Herald" in a leader the following morning, said:—

"The result of the railway riot case will not be a surprise to anybody who has read the evidence. The occurrence was a disgraceful display of mob violence directed against innocent and inoffending men, and if the law did not repress with a strong hand terrorism of this kind, of which we have had too many instances in connection with the strike, it would come to this, that no man could consider himself safe or secure from the risk of being seriously assaulted. It would

be particularly awkward for strangers, and all the circumstances considered, it is well that a salutary lesson has been taught. The only matter for regret is that the punishment, instead of falling upon the unfortunate men who allowed themselves to be carried away by the evil counsels of others, did not fall upon the cowardly abettors of the crime, who slunk into safe places, while their dupes were breaking the law, and earning the severe sentences which have been inflicted upon them."

The chief law cases in which the Company were concerned now commenced, and overleaf will be found not merely a full account of the proceedings in the Cork Police Court, as taken down by a special shorthand-writer, but also the Recorder's decision on appeal. The decision is greatly enhanced when it is borne in mind that no other book contains an account of similar proceedings in relation to railway men prosecuted under Sec. 13 of 3 and 4 Vic., c. 97, and Sec. 17 of 5 and 6 Vic., c. 55, for breach of contract, or under the Employers' and Workmen's Act of 1875.

CORK POLICE OFFICE.

CORK, BANDON, AND SOUTH COAST RAILWAY COMPANY

v.

ROBERT DEVLIN AND OTHERS.

Minutes of Proceedings and Evidence—February 16th, 1898.

In the Cork Police Court this day, before Mr. C. E. B. Mayne, R.M. (in the chair); Mr. A. E. Horne, R.M.; and Sir George Penrose, the summonses in the above cases came on for hearing.

Counsel for the Complainants—Mr. George Lawrence, instructed by Mr. A. Julian, solicitor.

Counsel for Defendants—Mr. T. L. O'Shaughnessy, Q.C., instructed by Messrs. Wynne and Wynne, solicitors.

Twenty-eight men in all were concerned in these prosecutions—four guards, two shunters, two signalmen, and twenty porters.

Eight of the defendants, namely, the guards, shunters, and signalmen, were each served with two sets of summonses, one under the Employers' and Workmen's Act, and the other under the 14th and 15th Victoria, for breach of contract, while the remaining defendants were only proceeded against under the Employers' and Workmen's Act.

The following is the summons under the Employers' and Workmen's Act served on all the defendants:—"You, the said defendant, being servant of the said plaintiffs, did on or about the 24th day of January, 1898, in said borough, unlawfully leave and quit the said plaintiffs' service contrary to your hiring and agreement, and for which the plaintiffs claim £10 damages."

The following summons was also served on guards, signalmen and shunters:—"You, the said defendant, being then a servant of the complainants, did an act whereby the passage of said train was obstructed and impeded, that is to say, did then and there wilfully and maliciously break your contract of service with the complainants, and quit their said service at the time when it was your duty under your contract of service to have remained to work and regulate the said train."

The case against Robert Devlin, signalman, was first taken up.

Mr. Lawrence—Your worships, in this case I appear on behalf of the complainants, the Cork, Bandon and South Coast Railway Company, to submit to you the circumstances under which this summons has been issued. The summonses arise out of the recent strike on the railway, with which everybody is familiar. The immediate circumstances to which alone we need give our attention are these: Robert Devlin was employed by the Railway as signalman, under a weekly contract of service. The duties of the different classes of servants employed by the Company, and the terms of their employment, are defined in a book of Rules and Regulations for the Company's service, which was issued to the men in 1894. Robert Devlin received a copy of this book of rules and regulations, and signed the receipt of it in a document which I will produce to you—an acknowledgment by the different servants of having received this book of rules, and their agreement to conform with them. He was employed weekly, and one of the regulations—Regulation 207—in this book of rules which he accepted says: "No officer or servant is allowed to quit the Company's service without giving notice as follows (except as provided in Rule 205):—All persons in the Company's employment are to give or receive notice on leaving the Company's service as follows, viz.: Those paid monthly, one month's notice; those paid fortnightly, a fortnight's notice, and those paid weekly, one week's notice." Devlin, as I say, was a servant paid weekly, and consequently

under the obligation of giving a week's notice, and entitled to the right of receiving a week's notice. The week in the Company's service terminates on Saturday; the men are paid on Friday as a matter of convenience—in fact the service terminates on Saturday, and the week runs from Saturday to Saturday. Now, the breach of which we complain against Robert Devlin was committed on Monday. I think it is the 24th January, and you will see that the time that the breach, if I prove it, was committed was the beginning of the week. His week commences on Sunday; he had worked Sunday and a portion of Monday, and on Monday, as we say, he broke his contract of service. Now what led to that breach of contract of service was this. A man named Buckley had been employed as signalman by the Railway Company. The Directors conceived that they had reason to be dissatisfied with his conduct, and they removed him from one station to another. Of course, they did it within the scope of their authority, and if there was an injustice done by it to this man Buckley, the law afforded him abundant opportunity of vindicating himself against injustice. Now, that being so, the first step taken by Devlin, the defendant here, was taken late on Saturday, the 22nd of January, and at half-past six in the evening this document that I hold in my hand, and that I shall place before you, signed by the servants of the Company, and amongst others by Robert Devlin, was presented to the General Manager of the Company through his clerk, who is here, and will prove the presentation as well as the signatures to this production; it is in these terms:—

"Cork Station, January 22nd, 1898.

To the Board of Directors Cork, Bandon and South Coast Railway.

Gentlemen— We, the undersigned, in your employment, hereby give notice of our intention to cease work at twelve o'clock on Monday, 24th inst., unless our demand for the reinstatement of Signalman Michael Buckley, to whom you have recently given notice of removal from Cork Signal

Cabin, is conceded, as the circumstances do not justify such punishment being meted out to him; and it is the opinion of the staff that this transfer is due to the active part he has taken in the recent movement for the improvement of their conditions of service. We, therefore, consider it our duty to defend him by every means in our power, as, we feel sure, his is only the commencement of a system of victimising."

That is signed by a number of persons, and amongst others by Robert Devlin. That was served, you will see, late on Saturday—a notice of the intention to cease work at twelve o'clock on Monday. Of course, a notice served under these circumstances, and at such a time, rendered it absolutely impossible for the Railway Company to replace those men, or make provision for the public service of the trains. On receipt of this by the General Manager, he immediately prepared a notice, and directed that it should be read to the men who signed this. A copy of the notice was given to each head of the departments to read to the men in his department, and this notice was read to Robert Devlin:—"22nd January, 6.30 p.m. I have received the the memorandum signed by the following men of your department addressed to the Board of Directors to the effect that they will cease work at twelve noon on Monday next, unless the Directors' orders in sending Signalman Michael Buckley from Cork cabin to another be rescinded. The men must know that the Directors will not be here in the ordinary course before Wednesday next, and that I have no way of consulting them now. They must, further, be aware, that their contemplated action is illegal, because they are not giving a week's notice, and if they throw up work at the time and date mentioned they will have to take the consequences. The effect of this you will, please, intimate to them." That was read to Robert Devlin, amongst others. Nothing further occurred until Monday. No intimation was given meanwhile to the Manager of any intention of the men to recede from the notice they had given on the 22nd, and on Monday, the 24th of January, he again prepared a notice,

which he gave to the heads of the departments to read to the men under their control, and this notice was, amongst others, read to Devlin, and was posted in the signal cabin, which he at the time occupied. "The men who have, in violation of the terms of their contract, given notice to the Company of their determination to cease work at twelve o'clock, noon, to-day, are warned that such action is a wilful and malicious breach of their contract of service, and they must know and believe the probable consequence will be to endanger human life, and expose valuable property to destruction or serious injury, and that, therefore, their threat, if carried into execution, will be an offence under the Conspiracy and Protection of Property Act. This caution is given by the Directors to their servants from motives of kindness and mercy, and if they act in the grossly illegal manner threatened, they (the Directors) will, in the performance of that duty which they owe to the shareholders and the public, have to prosecute those so illegally acting." Well, twelve o'clock came, and at twelve o'clock, in accordance with the notice that had been given, Signalman Devlin, who was then on duty regulating the signals, deserted his cabin. He fixed the signals at "danger," locked his cabin, and walked out of it, and the rest of the Cork staff, with a few exceptions, walked out of the station, leaving the station unprotected and derelict. Now, we say, in so acting, Robert Devlin committed an offence under the 3rd and 4th Vic., chap. 97, and sec. 17 of 5 & 6 Vic., which is one of the general Railway Acts regulating traffic upon the railways, contains this provision:— "It shall be lawful for any officer or agent of any railway company, or for any special constable duly appointed, and all such persons as they may call to their assistance, to seize and detain any engine driver, guard, porter, or other servant in the employ of such company, who shall be found drunk while employed upon the railway, or commit any offence against the byelaws, rules or regulations of such company, or shall wilfully, maliciously, or negligently do or omit to do any act whereby the life and limb of any person passing

along or being upon the railway belonging to such company, or the works thereof respectively, shall be or might be injured or endangered, or whereby the passage of any of the engines or trains shall or might be obstructed or impeded, and to convey such engine driver, guard, porter, or other servant so offending, or any person counselling, aiding or assisting in such offence, with all convenient despatch, before some Justice of the Peace for the place within such offence shall be committed, without any other warrant or authority than this Act; and every such person so offending, and every person counselling, aiding or assisting therein as aforesaid, shall, when convicted before such Justice as aforesaid (who is hereby authorised and required upon complaint to him made upon oath, without information in writing, to take cognizance thereof, and to act summarily in the premises), in the discretion of such Justice, be imprisoned, with or without hard labour, for any term not exceeding two calendar months, or in the like discretion of such Justice shall, for every such offence, forfeit to her Majesty any sum not exceeding £10, and in default of payment thereof shall be imprisoned, with or without hard labour as aforesaid, for such period not exceeding two calendar months as such Justice shall appoint; such commitment to be determined on payment of the amount of penalty, and every such penalty shall be returned to the next ensuing Court of Quarter Sessions in the usual manner." Section 14 goes on: "And be it enacted that (if upon the hearing of any such complaint he shall think fit) it shall be lawful for such Justice instead of deciding upon the matter of complaint summarily to commit the person or persons charged with such offence for trial for the same at the Quarter Sessions for the county or place wherein such offence shall have been committed, and to order that any person so committed shall be imprisoned and detained in any of her Majesty's gaols or houses of correction in the said county or place in the meantime, or to take bail for his appearance, with or without sureties, in his discretion; and every such person so offending and convicted before such court of Quarter Sessions as

aforesaid (which said court is hereby required to take cognizance of and hear and determine such complaint) shall be liable, in the discretion of such court, to be imprisoned, with or without hard labour for any term not exceeding two years." Now, the summons has been issued under that section, and the offence charged is an offence created by that section. The question for you to determine as a matter of fact is whether Robert Devlin comes within the terms of that section. The charge we make against him is that he did an act whereby the passage of trains on the railway was obstructed or impeded. The question was raised a great many years ago upon this Act as to whether the word obstruction related to physical obstruction, and it was determined that it did not relate to physical obstruction, but that any act whereby trains were obstructed or impeded was within this section, though no physical impediment was placed in the way of the train. And the next point is where a man by signalling with his arms to an approaching train causes the engine driver to slacken speed, that man was guilty of an offence. And another case was that of a man who went on a line and altered signals, and that man, too, was guilty of an offence. Now, with respect to Devlin, I do not think there will be any difficulty in coming to the determination that the act he did—the fixing those signals in the way in which he did, locking his cabin, and deserting his employment, had or might have had the effect of obstructing or impeding the passage of the trains. Under the regulations of the Board of Trade officers, or persons, engine drivers, and persons managing trains, are obliged strictly to obey the signals, and while the signals are at "danger" no train can enter, no train can leave a station. For the necessary protection of life these signals are imperative upon any person connected with the Company. At the time that Devlin did this a train had just been despatched, another train was about starting coming up the line, shunting operations were going on in the stations; the fact of fixing these signals was to render it impossible for either the approaching

train to enter or that any other train could leave, or that any engine or carriage could be moved upon the line. Devlin was a sort of sentinel there. It was his turn of duty, and he was a sentinel in the box at the time. When he fixed the signals in the manner he did, and deserted his post, he practically stopped all traffic on the line until somebody went and took up his post. The facts relating to him are these: Having fixed his signals, locked up his cabin, he was leaving with the rest of the men when Mr. Kerr, the Engineer of the line, happened to be there and met him. He had the key of the box in his hand; Mr. Kerr took the key from him, and went on duty for the remainder of his shift of duty in his place. So that, of course, the signals were by another person properly regulated and attended to for the remainder of the day. But you will observe that that was not the fault of Devlin; all that Devlin could do to suspend the traffic he had done. And then you will consider his act, and when considering the effect of his act you will consider it was done in accordance with the previous notice given by him and the others of the staff of the Cork station. What did these men mean when they served that notice? They meant to stop the traffic, otherwise if this threat didn't mean "we will stop the traffic," it would be merely idle and useless. It is because they knew that the action that they threatened would stop the traffic, and put the Directors in this position that they would either have to submit to this dictation—which I will submit was insolent dictation—or submit to the public inconvenience of having the traffic of their line suspended. Now, that act was not merely a violation of the terms of the Act of Parliament, it was directly in violation of the several regulations made for the signalmen, because one of these regulations is that a signalman is not to leave his cabin until his successor comes to take his place, and he is not even then to leave his cabin until he has given to his successor all the information necessary to enable the successor to take up the work as a continuous thing, so that the service shall be continued.

Now, these are the facts, and upon proof of these facts I will ask you to say that an offence has been committed, and then, in your discretion, to deal with it either summarily or send it forward under the 14th section, whichever you think proper.

John J. Wagner sworn, examined by Mr. Lawrence:—

Mr. Wagner, I think you are Station Master at the Cork station of the Cork, Bandon and South Coast Railway? Yes.

Now, you know Robert Devlin? Yes.

Is he in the employment of the Company? He was.

As signalman? Yes.

How was he paid? Weekly.

When did his week commence, and when did it end? Saturday to Saturday.

Mr. O'Shaughnessy—Did you pay him? No; my chief clerk did.

Mr. Lawrence—Is it done at your direction? It is; I make out the pay sheets.

And your chief clerk paid under your direction? Yes.

When was he last paid? On Thursday or Friday previous to the day he went.

That would be Friday, the 21st? Yes.

Up to what time did that discharge his liabilities? Up to the previous Saturday.

Mr. O'Shaughnessy—That is the Saturday before the 22nd? Yes.

Mr. Lawrence—Then he worked on then during the succeeding week? Yes.

Now look at that book—does it contain the Rules and Regulations for the Company's servants? Yes.

Was a copy of that given to Robert Devlin? Yes.

Have you his signature there for it? Yes.

That document is signed by him? Yes.

That is: "Received from the Cork, Bandon and South Coast Railway Company a copy of the Rules and Regulations, issued 1st May, 1894, which I promise to observe.—Signed, R. Devlin, signalman." Now, the book which he so signed was that found in his cabin after leaving? Yes.

Have you it here? Yes.

Produce it, please. (Book produced).

Mr. O'Shaughnessy—I may shorten this discussion. I am not going to make points of the kind that that book is not a copy of their printed books. I am not going to fight the case on those lines. He may put in that copy.

Mr. Lawrence—Well, then, sir, I put in this copy to have it marked. (To witness) Now, I believe, that notice wasn't given to you—it was given to another official? No.

Now, would you look at that—that is the notice of the 22nd January, which I have read for you—did you read that notice for Robert Devlin? Not that night; he was off duty then.

I ask you did you read it for him? Yes.

When? Next morning.

On Sunday morning was it? Yes, Sunday morning.

You read the notice for him? Yes.

Did he say anything to you? I cannot remember now exactly.

That was Sunday, the 23rd, is that it? Yes.

What were his hours of duty in the cabin? From 7 a.m. to 4.30 p.m.

So that he was off duty on Saturday night when you got that notice? Yes.

And you read it for him on Sunday when he came on duty? Yes.

Now you also read that notice (second notice) for Robert Devlin? Yes.

When did you read that for him? On Monday morning.

Did he say anything to you in answer to that? He made some general remark, but I cannot remember what it is.

Did you also post that notice up in the cabin? I did.

Now did Robert Devlin on Monday leave the signal cabin?—Yes.

At what time? Well, I think it was about quarter past twelve when I saw him.

Where did you see him? I met him down on the per-

manent way—half way down between the cabin and the station.

You met him on the permanent way, half way between the cabin and the station? Yes, about half way.

Did you say anything to him, or did he say anything to you? He told me he gave Mr. Kerr, the Engineer, the key of the cabin when he left it.

At the same time did the other men leave the station? Yes.

And I believe he has remained away from the station ever since? Yes, except picketing.

I believe just before that a train had gone out? Yes, the 11.20 mail.

Was there, immediately before meeting this man leaving the cabin—was there shunting going on in the station? Yes; it is going on all day.

Was the effect of his leaving the cabin to stop the shunting? Yes.

Mr. O'Shaughnessy—That is not evidence at all, you know.

Mr. Lawrence—When would the next train go out in the ordinary course of things? The next train was a special—it was a ballast train.

When was that time of going out? At 12.45.

Did you say anything to Devlin about that train? Yes, I went into the cabin and told him.

When did you do that? After the 11.20 went out.

You went and told him there was another train going out at 12.40? At 12.45.

In consequence of Devlin leaving the cabin was that train detained? It went out, as well as I remember, at 1.3 p.m.

Instead of 12.40 it went out at 1.3? Yes.

Mr. O'Shaughnessy—I assume that all the ballast trains upon this railway always go out to the second of time? Oh, no, they don't.

Now, this man was paid his wages up to the 15th January only—is not that so? Up to the previous week.

That is, the 15th January? Yes.

Take your books, and tell me the exact date? I have not any books here of that kind.

You profess to state that he was paid upon the Thursday, previous to the Saturday before—and wasn't that Saturday before the 15th January? Yes.

So that he wasn't paid anything at all from Saturday the 15th to Saturday the 22nd—he has never been paid that since? No; I think not.

Now, we will see a little further. And what he would have been paid on the following Wednesday or Thursday, if he had remained, would have been his salary up to January 22nd? Yes.

Now, you knew, of course, what has been going on for some time in the Company? You mean in reference to the strike?

Yes? Yes.

You know, of course, the petition in November preceding that? I heard about it; I hadn't seen it.

Tell me, did you get a circular to watch particular men? No, I never got anything of the kind.

What? No; I didn't.

Did you get any circular from the Directors to watch particular men—with reference to anything connected with that strike did you get a circular? I have no recollection of getting anything connected with it.

Nothing at all? No.

No recollection of it? No; I don't think I got it either. If you explain the thing to me, you may remind me of it. I never got anything about it.

You never saw a note from the Directors with reference to the agitators on the line? No, I never got anything of the kind.

What? I never got it.

Did you see it? No, sir.

Or hear of it? No, sir.

Now, Buckley was the spokesman I believe—you heard that, I suppose? Yes.

There was no doubt about that? No.

Was it you reported Buckley? Yes.

And he minds both the level crossing, as I understand, and he also minds the shunting? Yes; the same as Signalman Devlin.

Now, how long was it from the time the engine passed that wasn't entered in the record book until you entered his cabin?

Mr. Lawrence—I have to object to the investigation of Buckley's case; it is not relevant to this inquiry.

Mr. O'Shaughnessy—I will make it relevant.

Mr. Lawrence—I object, sir, and I ask you, respectfully, to rule it. Even if Buckley was unjustly treated he has his remedy.

Mr. O'Shaughnessy—I am entitled to put it to the credit of this witness, so that it is perfectly material.

Mr. Mayne—We believe if it is to his credit you have the right.

Mr. O'Shaughnessy (to witness)—Now, tell me—the man had gone down to his breakfast? He had. He left duty at 7.30

He had gone down to his breakfast—hadn't he? He had left duty at 7.30 a.m.

How shortly before he left did the engine pass? According to his own account 7 a.m. That was the time she was to go.

Now, did he meet you coming down the steps of the cabin? I didn't see him coming down the steps of the cabin.

And you went and examined his book? Every morning I do the same thing.

You know he was brought before the Board on the 19th January? I don't remember the date, but I know he was.

You were there, I suppose? No, I wasn't

Did you not make a report? I made a written report in the ordinary course to the General Manager.

When Buckley was brought before the Board were you not brought there too? No.

I see; that is the way business is done. Now, tell me, you

knew on the 20th that Buckley was to be removed—I suppose you knew that as well as Buckley? No; it was on the Thursday before the men struck.

That would be before the men struck? Yes.

Wednesday or Thursday? Thursday.

You knew then he was to be removed? Yes.

And you knew that Buckley was spokesman along the line and also secretary? Yes; I think so.

And he was ordered down to some place in West Cork? Yes, to Ballinascarthy.

Mr. Lawrence—Now he puts it to this man's credit, but I ask, your worships, are we to wander over the entire system—I ask you to rule that.

Mr. O'Shaughnessy—Now I pass from that. I am going to another branch of the case, for I have got all I wanted. (To witness) Now, tell me, upon Saturday you knew, of course, the men had sent in the round robin about Buckley to the Directors? I didn't know it until late on Saturday night.

Now, this is the document that was read by my friend, Mr. Lawrence, in which you will see they say that "unless our demand for the reinstatement of Signalman Michael Buckley, to whom you have recently given notice of removal from Cork signal cabin, is conceded, as the circumstances do not justify such punishment being meted out to him," and then they go on to say, "we, therefore, consider it our duty to defend him by every means in our power, as, we feel sure, his is only the commencement of a system of victimising"—you knew that the men had all signed that? I didn't see that until now.

You never heard of that at all? I heard that it had been put in; that is all.

Now I come to Devlin—you know he gave up the key of his cabin to the Engineer of the permanent way? Yes, so Signalman Devlin told me.

He told you? Yes.

And Mr. Kerr, the Engineer, remained in his box? Yes.

Did you know there was a general strike on the line? Yes.

Now, tell me, when we heard something about the train from the place—I can't remember the name—wasn't that train to start two hours and a half from 12.15? That is the up train you mean.

I don't care whether it is the up train or the down train—I want to know if the particular passenger train referred to by Mr. Lawrence would not that have started two hours or two hours and a half, after the 12.15? No; it starts at 11.50.

When would it be due? It was due in Cork at 2.25.

So that it would not be due for two hours after this 12.15? Yes.

Quite so. Now, when the danger signals are put down, that prevents an engine driving into anything, I suppose? Yes; it stops all shunting.

It stops traffic and all shunting? Yes.

And, therefore, there is no danger to anybody—bodies are not in motion? Yes.

George Samuel Henry sworn, examined by Mr. Lawrence:

Are you in the office of the General Manager? Yes.

What are you? Chief clerk to the General Manager.

Did you get that (men's notice) on Saturday from the men? I got an envelope which I understood contained it.

Mr. O'Shaughnessy—Don't mind that. We admit that was given.

Mr. Lawrence (to witness)—Who gave it to you? John Tyner.

Mr. O'Shaughnessy—Now, you are in the General Manager's office? Yes, sir.

You remember, of course, the petitions, in November, of the men—their petition of grievances to the Directors? Yes, sir.

That was presented to the Directors in the month of November, '97? Yes.

Now, didn't the Directors agree to consider that? Yes.

Mr. Lawrence—Has this anything to say to the case?

Mr. O'Shaughnessy—I beg your pardon, it has everything to say to the case, and I press it now, and I ask the magistrates to rule it.

Mr. Lawrence—I say it has not.

Mr. O'Shaughnessy—I intend to show, as clear as daylight, that it is evidence. We say in the document put in by them that this is the first of a series of victimising, and we want to show the circumstances under which this arises. This raises the whole thing, and you are bound to hear it—you are bound to hear it for the purpose of seeing what is the right thing to be done in the case.

Mr. Lawrence—I say it has nothing to do with the case. He is charged here with a breach of duty, and even if a gross injustice had been perpetrated on any servants of the Company—

Mr. O'Shaughnessy—Not upon any servants, but upon this particular servant.

Mr. Lawrence—Even if a gross injustice was done him by the Directors, that would afford no lawful excuse for these men to break their contract of service, and impede the traffic of the line.

Mr. O'Shaughnessy—I contend that having put this memorial to the Board, in which they state there was a petition of grievances by the men—one of the men was Robert Devlin—the Board undertook to consider it, and I propose now to ask him whether the Board stated that the men who were engaged in presenting this petition would not in any way be victimised. That is referred to by the documents put in by the complainants, and I apprehend it is clear evidence—as clear as the light we are enjoying.

Mr. Mayne—We will hear you. Proceed.

Mr. O'Shaughnessy (to witness)—Now, don't you know that the Directors said to the men, including Buckley and Devlin, that none of them would be victimised by reason of the fact that they presented the memorial to the Board? Is it me you are asking that question?

Who else do you think? I don't know anything about that. I wasn't present at the Board meeting.

Did you hear that? No, I didn't.

Is Mr. Payne-Sheares here—we have subpœnaed him?

Mr. Lawrence—Mr. Payne-Sheares will attend the moment you want him. He will be telephoned for.

Mr. O'Shaughnessy (to witness)—Did you hear that the Directors stated to the men that none of them would be victimised because they presented their petition of grievances to the Board of Directors? I didn't hear it.

You never heard that? No.

Did you hear the reverse? I didn't.

Did you send out a circular to watch particular men? I did no such thing.

Is the General Manager here? He is not, but he can be got.

Mr. Lawrence—He will be here the moment you want him. The General Manager has been summoned. We are working here under difficulties, and we have arranged to send for him the moment he is wanted. It is not from any want of respect to the Bench, or an endeavour to evade anything, that he is not here now.

John Robert Kerr sworn, examined by Mr. Lawrence:—

Mr. Kerr, you are the Engineer of the line? Yes.

You remember Monday morning, the 24th of January? Yes.

You were aware of this statement of the men having been presented? Yes.

You know the hours that Devlin ought to be in his cabin? No, I don't.

Now, about twelve o'clock, on that day, did you meet Devlin? Yes, twelve o'clock.

After twelve? It might be five minutes before or after.

Where did you meet him? At the foot of his cabin stairs.

Was he at that time leaving the cabin? Yes.

Did you say anything to him? I asked him for the key of his cabin.

How was the cabin? The cabin was locked up.

Did you see the signals? Yes.

How were the signals? They were all at "danger."

Now, at that hour, should he have been in the cabin? Somebody should.

What did you do? I took the key of the cabin from him.

Did you say anything to him? I don't recollect saying anything more than asking him for the key of the cabin.

Did you get into the cabin? I went into the cabin and worked it for some time.

That is, attended to and worked the signals? Yes.

Now, while the cabin was so left, and the signals so set, could any engine or train be moved? Not without danger.

And Robert Devlin leaving the cabin in that way did it obstruct and impede the passage of trains upon the line?

Mr. O'Shaughnessy—I really object to this. That is the question the magistrates have to try.

Mr. Lawrence—Will you answer that question? Repeat it.

Did his leaving the cabin and placing the signals as he did impede or obstruct the passage of engines, trains, or carriages upon the line?

Mr. O'Shaughnessy—I object to this question on several grounds. This is a question you have to determine upon the facts under this section of the statutes: No. 1, if it applies, and No. 2, it is put in a way that is highly objectionable, because it suggests an answer to the witness.

Mr. Lawrence—I will put it in another way. What was the effect of his leaving the cabin with the signals at "danger"? It prevented any train passing between Cork and Waterfall, and prevented any shunting in the yard; it also prevented the public from crossing the level crossing.

Mr. O'Shaughnessy—And that is what a danger signal always does? Yes.

Very well; there is nothing new in that.

Mr. Horne—Would you mind saying that over again?

Witness—The signalman leaving his cabin prevented the passage of trains between Cork and Waterfall; it also prevented shunting in the yard, and prevented the public from

using the level crossing through the yard, which is interlocked with the signal cabin.

Mr. O'Shaughnessy—Did it prevent the passing of trains at that moment, for there was no train to pass, I imagine? No answer.

Mr. Lawrence—That is the case against Robert Devlin. I will read for you now the duties of signalmen, and I presume it will be sufficient to put the book before you. "Except in cases where the performance of the duty is otherwise specially provided for, the signalman will be held responsible, and must see that the points and signals working from his box or locking apparatus are kept clean and oiled and in perfect order. He must report to the Station Master under whose superintendence he acts, and to the person in charge of repairs, any case in which the electrical appliances, locking apparatus, points, switches, or signals are out of repair, and the Station Master must, when necessary, telegraph the circumstances to the proper authorities; and the signalman is responsible for exhibiting outside his signal box the boards prescribed to indicate the state of the telegraphic and other apparatus connected with the signal box, and he must report any defect to the Station Master." "When from any cause points, crossings check rails, locking bars, or other apparatus are damaged, the circumstances must be at once reported to the nearest Station Master and Inspector of Permanent Way or Ganger, and all trains must be stopped or allowed to pass the spot slowly, as may be necessary, until the damage is repaired." "The signalman must frequently examine and try the working of his distant and other signals and points to see that they work well and are kept clean; it is not sufficient merely to move the lever, but the signalman must, at the same time, watch the signal or its repeater, so as to ascertain that it obeys the lever and goes on fully to "danger." Then it goes on: "The signalmen are required to keep clean the upper parts of the signal boxes, also the levers and brass work." "Each signalman must keep his signal box strictly private, and not allow any other persons than the authorised officers of the Company to

enter it." No unauthorised person must be allowed to interfere with the working of the points, signals, level crossing gates, or the block telegraph instruments or bells. The signalman must see that each train as it passes his box has a tail lamp attached to the last vehicle." But Rule 250 is really the material one:—"Each signalman taking charge must, in addition to satisfying himself that all the telegraph instruments, signals, points, etc., are in good working order, must ascertain from the man he relieves whether there is any special circumstance requiring attention; whether the trains which are due to pass have done so, and if not, what are the exceptions; also what trains, if any, are in the section on either side of his signal box, or are signalled; and all other matters the knowledge of which is necessary to enable him to properly discharge his duty. The signalman relieved must give full information on these points before leaving duty, so that the duties of the post may be conducted in a continuous and efficient manner, and any inconvenience arising from the change of the men avoided. Each signalman must register in the Train Book the time of his arrival on duty, and the time of his leaving, and place his signature thereto. Signalmen must only change duty at appointed hours. The signalmen at stations when coming on and leaving off duty are required to report themselves to the Station Master, or persons in charge for the time being." Now, as I have said, that is the case against Devlin.

Mr. O'Shaughnessy—I appear for this man, and there is also a second summons against him under the Act of '75, in which he is sued for a sum of £10, by this Company. My contention, very shortly, is this—that this Act of Parliament has no reference whatever to the case before you, and it was, therefore, I insisted, and will insist, on the production of Mr. Payne-Sheares, or somebody who can state the true facts in connection with this case. It is a criminal offence, and in order that you may exercise jurisdiction you must have it to exercise. And now let me call your attention to what the true facts in connection with this case are. In the

month of November the employees of this railway, believing they were labouring under grievances both as to time and pay and other matters, presented a petition to the Board of Directors, and they laid before them what may be called their complaint. The Board of Directors stated that they would consider the matter, and, as part and parcel of that consideration, Buckley was spokesman for the men, and an appeal was then and there made to the General Manager and Directors that Buckley, Devlin, and some other men, who were the spokesmen of the different classes, that no effort should be made by reason of their action to victimise or to "set" them, as was done in this case. The Directors stated nothing of the kind would be done, and so did Mr. Croker, the General Manager. Well, matters went on, negotiations were going on, as we all know perfectly well, and probably the magistrates I am addressing know a great deal more about it than I do, for it was the subject of a good deal of comment, and found its way into the newspapers. And matters so remained till the month of January, '98, and on the 13th of that month Buckley, who was the man who was carrying out the negotiations neglected to enter in the Signal Record Book the fact that an engine had passed, not an engine and a train, but an engine only. The result was that the Station Master, who was "setting" him, reported him. That is the case I make. But he was reported and brought before the Board on the 19th January. He was asked what were the facts. He stated the facts to the Board, as I am stating them to you—at least my instructions are so—and upon the 20th he was sent down to a very distant part of the line, which seemed a very arbitrary and outrageous act, and the result was that these men waited upon the General Manager, Mr. Croker, after he and the Directors had stated that no victim would be made because they had put forward the men's grievances. Well, the General Manager could do nothing, of course. That is always the case when a man wants to do nothing, he says that. The result was that they appealed to him to have the matter

reconsidered by the Directors. Well, some other excuse was made for that, and, finally, they did what has become perfectly common in England. The whole staff of the railway gave notice that, if the matter was not reconsidered, they would strike, and they did strike. Now a great number of us might dislike strikes. Up to a recent decision of the House of Lords the courts in England had by a series of decisions, culminating in the decision of Allen and Flood, decided that masters had considerable right in cases of strike. But there was a law that swept that away. The men have the same right to combine as the masters have, and it cannot be taken from them by any course of class decisions which prevailed up to the time that the House of Lords settled the law upon a right basis, and a proper and just basis, and, as I have said, the men having the same right to combine as the masters, they gave the masters notice in this case that they were already victimising the spokesman, though having promised not to do so. All the men signed that. A number of them had only been paid to January 15th. They had not been paid their week's wages, because this Company always take care that they always have a week's wages of the men in their pockets. They keep a week's wages which remains unpaid, so that if the men are guilty of any breach or dereliction of duty they have it in their hands to close on the entire week's wages. The men state in this notice: "Unless our demand for the reinstatement of Signalman Michael Buckley, to whom you have recently given notice of removal from Cork signal cabin, is conceded, as the circumstances do not justify such punishment"; nor did they; it was simply a piece of vengeance on the part of the Directors to this man. Nothing short of it. Every effort was made to get the Directors to reconsider the matter. One of the suggestions of the men was that it should be left to the arbitration of Mr. Neligan, County Court Judge and Recorder of Cork, a gentleman who stands, I may say, from having known him for many years—known him in my early years in the profession, and many since—a

gentleman, I say, who stands almost on a level with the Superior Bench—a man who, as a lawyer and a gentleman and a man of the world, would be the best man they could have to deal with this. The men appealed to the Directors, and it is not just or right to suggest against them that they were not prepared to do everything that was just and fair. They appealed that the Recorder should determine the dispute between themselves and the Directors; but the Directors were on their high horse. "On this matter of our management, of course, we will leave it to no one." Why, one of the great railways in England did what this railway here would not do—one of the greatest strikes in England was determined by Lord James, then Sir Henry James. There was no such point of punctillo there. I now call attention to a section of the Act of Parliament. You are asked upon these facts, not merely in respect of this man, but in respect of the whole of those men who struck—every one of them is prosecuted under this section that my learned friend, Mr. Lawrence, has referred you to, and they are secondly sued for £10 under the Act of '75—The Employers' and Workmen's Act of '75. So, to say the least of it, it is like a mortgagee who is said to be able to pursue all his remedies at once, the Directors are determined if they have another remedy that they would not confine it to a single one. I ask your attention to the section of the Act of Parliament, and it appears to me it is as clear as daylight, and the suggestion I would make to my friend is this: There are three classes of cases—one, the class of signalmen; secondly, the class of cases of the guards; and, thirdly, the class of case of checkers or foremen. I would suggest that one of each of these cases should be taken up by the Bench and determined upon under this Act of Parliament, and, secondly, one of each of these cases should be determined under the Act of '75, and when you have determined upon one or other of each of these cases—that would be practically six cases—that the other cases, if you are hostile to me, I can bring before the Recorder, and have it out; and if you are hostile to my friend he can do the same.

Mr. Lawrence—Though you have the right to revise the decision of the magistrates, I have not.

Mr. Horne—You have on the second set of summonses.

Mr. Lawrence—Yes, but not on the first.

Mr. O'Shaughnessy—But if we are to go through fifty-six summonses it will put the men to enormous expense to fight the fifty-six summonses separately, whereas if the suggestion I make is accepted, the men, if they are responsible, will be made responsible for what they ought justly be made responsible; and if they are not, there will be an end of the matter. And now I call your attention to the section of the Act of Parliament, and on this with great confidence I urge upon this Court that there is no offence under this Act, and that the offence here has no connection with the offence under which the prosecution is brought. You may notice in one of the notices that the Act of Parliament that the men were warned against was the Conspiracy and Protection of Property Act. That is the Act of '75, and that is the Act of Parliament, if there be any offence at all. I think, sir, that the House of Lords' decision reversing Allen and Flood, although not upon this exact point, but leaning upon the principle that underlies it, namely, the right of combination—I think it must have affected those who are advising the Railway Company, for, you see, they have brought no summonses under that Act of Parliament. They have deliberately refrained from doing so. On the contrary, they have brought a summons under an Act of Parliament which has no bearing or application on earth on this case. It is the old Act of 5 and 6 of the Queen for Regulation of Railways, and in the 13th section you will see it has nothing to say to the case of a strike. You know that is an Imperial Act of Parliament. It is an ordinary thing that strikes have occurred upon railways. They have occurred upon railways in Ireland; they occurred upon the Kingston Railway in Dublin —we all remember it; they have occurred throughout England, but it never occurred to anyone to suggest that if a defective notice be given, that is, if the notice be short, you

can prosecute under 5 and 6 Vic. I think there is no such proposition in law; I will state my view of the section—what it really was intended to do. The section deals with the Regulations, and what runs through the section is this. If a man acting as servant of the Company is guilty of some misconduct while so acting—we will take the case of a signalman who is in his box, and who, instead of putting down his signal when a train is coming up, proceeded to put his pipe in his mouth, and smoked, regardless of what was going on; or if a man shunting a train, instead of shunting it into the proper place or siding, shunted it on the line on which a passenger train was coming up—matters of that kind; or omitting to put down the lever that would shunt it into the shunting place. All these things are dealt with by the section, and, so much is that so, that any official of the Company is entitled upon the spot to arrest the person and to bring him on the spot before a magistrate, and the magistrate is entitled to take an oath without an information of the complaint upon the spot, showing that the object of the section was to deal with something that was occurring at a moment of time that you could not have guarded against; sudden things. That is the very reason why information in writing shan't be necessary. And now let me read the section, for when one reads the section of the Act of Parliament it seems so absolutely childish, the suggestion that the transaction which has occurred here, namely, a transaction whereby a body of men—the whole employees upon a railway—say, "We will strike upon a particular day"; they say the 22nd; they give notice that upon the 22nd they won't do anything upon the railway. We intend to go out on strike, if you don't reconsider a particular case. The Directors don't choose to do it. If they had stated "We will reconsider this matter, and give our judgment, whatever that judgment may be," there would have been no strike whatever. It was like washing in the Jordan—it was too simple a course, and therefore would not be taken. Now, I ask your attention to the 13th section, 3 and 4 of the Queen, chap. 97:—"And be it

enacted that it shall be lawful for any officer or agent of any Railway Company, or for any special constable duly appointed, and all such persons as they may call to their assistance, to seize and detain any engine driver, guard, porter, or other servant in the employ of such Company who shall be found drunk while employed upon the railway." That is, while employed upon the railway—that is, while actually in his employment—while the actual employment is going on. If otherwise, don't you see, that a railway porter or a railway guard might be seized under this section, but no such power is given; "or commit"—that is, while employed—"or commit" any offence against any of the byelaws, rules, or regulations of such Company; or shall wilfully, maliciously, or negligently do, or omit to do, any act whereby the life or limb of any person passing along or being upon the railway belonging to such Company or the works thereof, respectively, shall be or might be injured or endangered; or whereby the passage of any of the engines, carriages, or trains shall be or might be obstructed or impeded" while so employed. Let us go back now. While employed on such railway—while in the employ of such Company—while employed upon the railway—that is the governing sentence. The object of the sentense is this: Employes actually in the course of duty who are found drunk may be at once seized by any official of the Company, and brought before a magistrate. These are the words governing the whole section—"While employed as such servant." Now, what is the point here? That there should be, instead of two days' notice, that there should be seven days' notice. That is the only point that is made here. I can't understand any other point being made. The section of the Act of Parliament does not deal with any such case. "While actually in the employment"—this cannot terminate their employment. They may be liable for it under the Act of '75, because there is a section dealing with it, but how they are criminally liable for it is another matter altogether. Their combination together to break their contract may be a conspiracy, but this section of the Act does not deal with conspiracy, and they have not proceeded under the Act that

does. And now to go on. First, they have given the right and power to arrest. What is the next? "And to convey such engine driver, guard, or other servant so offending, or any person counselling, aiding or assisting in such offence, with all convenient despatch before some Justice of the Peace for the place within which offence shall be committed, without any other warrant or authority than this Act." There it is given when a man is in discharge of his duty to a Railway Company, and he violates its byelaws, and that violation would endanger life, the Company have a right to take him by the neck, by one of their officers, and bring him before any Justice of the Peace, and the Justice of the Peace having sworn the man who can prove the offence, he is entitled there and then to mete out punishment to him; but the very fact that that is so negatives a case such as this. What is sought to be done here? A summons has been brought under this Act of Parliament; the Act has not been violated at all. The proper way to take advantage of this Act was to have arrested one or two of those men and convey them before a magistrate, and let the magistrate determine it, "who is hereby authorised," and not merely authorised, but "may upon oath, without information in writing, take cognizance thereof, and to act summarily on the premise." That is a very curious section. It enables the Company to do a thing which they could not do at common law, namely, to arrest a man who is in their employment if found guilty of an act of omission or commission in their employment whilst so employed; may take him before a magistrate, and it requires the magistrate to act forthwith summarily on oath, without information, and then he may imprison "with or without hard labour for any term not exceeding two calendar months, or in the like discretion of such Justice shall, for every such offence, forfeit to her Majesty any sum not exceeding £10; and in default of payment thereof shall be imprisoned, with or without hard labour, as before said, for such period not exceeding two calendar months as such Justice shall appoint. Such commitment to be determined on payment of the amount of penalty; and every such penalty shall be returned to the next

ensuing Court of Quarter Sessions, in the usual manner, provided always and be it enacted that (if upon the hearing of any such complaint he shall think fit) it shall be lawful for such Justice, instead of deciding upon the matter of complaint summarily, to commit the person or persons charged with such offence for trial for the same at Quarter Sessions." So that there is a regular procedure. The other Act of Parliament that my friend referred to, 5 and 6 of the Queen, chap. 55, leaves that exactly in the same way, and the 17th section commences: "And whereas by the said recited Act for regulating railways provision is made for the punishment of servants of Railway Companies guilty of misconduct, and that it is expedient to extend such provisions, be it enacted that it shall be lawful for any officer or agent of any Railway Company, or for any special constable duly appointed, and all such persons as they may call to their assistance, to seize and detain any engine driver, wagon driver, guard, porter, servant, or other person employed by the said or by any other Railway Company, or by any other Company or person in conducting traffic upon the railway belonging to the said Company, or in repairing or maintaining the works of said railway, who shall be found drunk while so employed upon the said railway, who shall commit any offence against any of the bye-laws, rules or regulations of the said Company, or who shall wilfully, maliciously, or negligently do or omit to do any act whereby the life or limb of any person passing along or being upon such railway or the works thereof, respectively, shall be or might be injured or endangered, or whereby the passage of any engines, carriages, or trains shall be or might be obstructed or impeded; and to convey such engine driver, guard, porter, or other person so offending, or any person counselling, aiding or assisting in such offence, with all convenient despatch, before some Justice of the Peace for the place within such offence shall be committed, without any other warrant or authority than this Act; and every such person so offending, and every person counselling, aiding or assisting therein, as aforesaid, shall, when convicted upon the oath of any or more credible witness, or

witnesses, before such Justice as aforesaid (who is hereby authorised and required upon complaint made to him upon oath, without information in writing, to take cognizance of and to act summarily in the premise in the discretion of such Justice) be imprisoned, with or without hard labour, for any term not exceeding two calendar months; or in the like discretion of such Justice shall, for every such offence, forfeit to her Majesty any sum not exceeding £10, and in default of payment thereof shall be imprisoned, with or without hard labour, as aforesaid, for such period not exceeding two calendar months as such Justice shall appoint." So, here is a case in which you are asked under summary jurisdiction by summons to deal with a matter of wholly different procedure altogether. They have no warrant that I can see whatever under this Act of Parliament. You are asked to send these men to gaol or fine them. I submit it is a wholly untenable prosecution. I quite admit that I am not going to waste time by discussing anything that cannot be discussed; I quite admit, in reference to certain summonses under the Act of '75, the position is a different one. I quite admit that, but my friends have brought a criminal prosecution here. The only way in a criminal prosecution in which you can prosecute at criminal law, and you can only prosecute under a specific statute, is by the terms of that statute, and by that statute alone the prosecution is circumscribed. I respectfully submit that it is not arguable that this prosecution lies. They felt that themselves, because that is the meaning, and must be the meaning of the second set of summonses under the Workman's Act of '75, because it would be a monstrous scandal if it didn't mean that. The idea of serving two sets of summonses on those men. The Conspiracy Act has been referred to, and, of course, sir, to a certain extent any agreement that men enter into to break a contract is conspiracy. But that is not what this section of the Act deals with at all. But they have chosen to go on with that for reasons best known to themselves when they bring this prosecution under an old Act regulating railways. They are not satisfied with that, but they enter a second summons against him that

"You, the said defendant, being a servant of the said plaintiffs, did on or about the 24th day of January, 1898, unlawfully leave and quit the said plaintiffs' service contrary to your hiring and agreement, and for which the plaintiff claims £10 damages." I respectfully submit that these summonses are not sustainable in point of law, and if Mr. Pike or Mr. Payne-Sheares is here, or anyone who will give the evidence, who will give an answer to the simple question which I will put, namely, whether the men were not told that they would not be victimised, and also whether the men had not gone before the Board on several occasions to ask the Board to consider the matter. That is all I want to know. If I am told that is admitted, it will do for all purposes.

Mr. Lawrence—Mr. Pike is here now.

Joseph Pike, J.P., D.L., sworn; examined by Mr. O'Shaughnessy:—

Mr. Pike, I understand you are one of the Directors of this Company? I am.

Do you remember the men presenting a petition with reference to grievances they complained of—the men on the line, the employees—in the month of November? I remember a deputation of the men coming before the Board and telling us their grievances.

Now, tell me, did the men ask that their spokesman should not be victimised in any way? I don't remember the men asking that on the first occasion.

On any occasion? There was a second occasion, it was more or less the same deputation that came in, and the Chairman said some words to them, and I distinctly rememeber the men being told that they should not be victimised for anything that had occurred when bringing their grievances before the Board. In fact, I believe, I was the Director who said that.

That is what I understood. Now, tell me, Mr. Pike, do you remember a number of deputations going to your Board in November—not merely two, but more than two? I remember a number of men coming before the Board; the different grades came in at different times.

They said that their rates of pay and other matters they wanted improved? Some of them said they did, and some of them were quite satisfied with what was being done. To the best of my recollection that is what happened.

And you were to consider it? We considered the matter.

Now, tell me, was the principal man Buckley—was he spokesman and secretary? I don't recollect that Buckley was any more a particular man than the others.

He was one of the deputation? Yes.

Now, tell me, was there any circular sent out that you know of—and, I am sure, you will tell me if you do know, Mr. Pike—was there any circular to the Station Masters in reference to the particular men who formed this deputation, of any kind? I have no recollection or knowledge of any circular being sent out to the Station Masters.

Or of anyone connected with it? There was, afterwards, some of the grades of pay increased and were arranged. Further than that I have no recollection of anything of the sort.

So far as you know there wasn't? I have no recollection of it.

Did you hear of anything of the kind? Not to my recollection. Of course a great many things happen at the Board that I don't remember.

Of course you read this strike notice, if I may so call it? Yes.

Mr. Lawrence read it, but you were not in court? No, I wasn't.

The men gave that notice on the 22nd? I don't think I have seen that before, but I have heard the effect of it.

Tell me, were efforts made to get the Board of Directors to arbitrate this matter with the men? At what time?

After this? After the men had turned out and other men had been engaged, there were efforts made, I understand, by Alderman Roche to have arbitration.

Yes? That was after a number of new hands had been engaged.

Some new hands had been engaged, and all those men

were out to a man—these are out now? Well, I cannot tell you that.

Have you any doubt that they are? I know that a number of men have come in within the last three or four days, but I cannot tell you their names, or what names are there.

None of these men here are? I don't know any of the names of the men who come in.

I suppose you know the names of the men who are prosecuted? I could not tell the names of all right off.

There are twenty-eight, I believe, and they are prosecuted under an old Act and prosecuted for £10 damages for breaking their contract under the Act of '75? I cannot tell what Acts they are prosecuted under. That is in the hands of Mr. Julian and Mr. Lawrence.

Mr. Lawrence—Is there any truth in the suggestion that this man, Buckley, or any other servant of the Company, was victimised for sending the memorial to the Board? Certainly not.

That is, so far as you know? Yes, speaking for myself, so far as I know it.

Mr. O'Shaughnessy—We say there was.

Mr. Pike—I have made an engagement in Glasgow, and I would wish to go away now.

Mr. O'Shaughnessy—I cannot be here to-morrow, and if this case goes over until to-morrow I would have to ask to leave it stand for some day next week. I have an engagement for to-morrow and next day, which it would be impossible for me to forego; in other words, I must go, and the men must be without my services, whatever they are worth, and if my friend would adopt the suggestion that has been made to take the three sets of cases—

Mr. Lawrence—I will take any suggestion that will convenience him or Mr. Pike, if my friend chooses to fall into an arrangement with me.

Mr. O'Shaughnessy—I don't think it is just that I should accommodate Mr. Pike if my friend will not accommodate me.

Mr. Lawrence—Personally I will accommodate Mr. O'Shaughnessy in any way I can.

Mr. Mayne—Of course the Bench will take it upon themselves to accommodate Mr. O'Shaughnessy. (To Mr. O'Shaughnessy) You say you cannot be here to-morrow.

Mr. Lawrence—I do not anticipate that these cases will go beyond to-morrow in any event.

Mr. O'Shaughnessy—My own idea is that it would be better for the men, and better for everybody, if you take the sets of cases and decide them. What is the use of going specifically through the fifty-six cases. It will take a fortnight, if that is to be done.

Mr. Lawrence—I am quite willing, apart from any other consideration, I am quite willing to have those cases dealt with in classes. I think the first day, when we were getting the adjournment, there were only two classes, and I am quite willing that you should take Devlin's case as a test case, and then we will take the case of the guards and the case of the shunters.

Mr. Mayne—That is what Mr. O'Shaughnessy suggests.

Mr. Lawrence—I am quite willing to do that. Of course, as regards one class—I know there is a question in the other—but one summons in the case, I take, will determine the whole of the summonses under the Employers' Liability Act.

Mr. Humphreys (chief clerk)—One case in that?

Mr. Lawrence—Yes, one case; I don't want to embarrass my friend in any of the cases, or prolong them in any way.

Mr. Mayne—We may take, I presume, that Mr. Pike's evidence may be taken as applicable to the other cases?

Mr. O'Shaughnessy—Certainly.

Mr. Mayne—And you won't require him any more?

Mr. O'Shaughnessy—I think not, sir. So far as 3 and 4 Victoria are concerned, my impression is that the ruling in this case determines every one of the cases.

Mr. Lawrence—In that case I will go on with the next.

Mr. O'Shaughnessy—With regard to two classes under the Act of Parliament—the Employers' Liability Act—the point has been decided. I have a set of decisions on it. No man except a man engaged in manual labour comes within the Act of '75. It is now decided that a guard does not come

within the Act, and that case cannot be sustained, and the case of the foreman cannot be sustained, and the shunters that cannot be sustained for a moment, unless you, sir (Mr. Mayne) are prepared to do which I do not believe you are prepared to do, and that is to overrule the Court of Appeal in England, which has decided that very point, and, therefore, the only point is, whether a signalman is a man engaged in manual labour or not. It is a very curious and a very novel point.

Mr. Lawrence—There are twenty-eight summonses brought under this Act, and I am quite willing that these eight summonses should depend upon your decision in the case you have heard.

Mr. O'Shaughnessy—Mr. Pike may go at once as far as I am concerned.

Mr. Lawrence—Here are Mr. Payne-Sheares and Mr. Croker if they want them.

Mr. O'Shaughnessy—Mr. Croker, I will ask you one question. I won't trouble Mr. Payne-Sheares.

Edward James O'Brien Croker, General Manager, Cork, Bandon and South Coast Railway, sworn, examined by Mr. O'Shaughnessy:—

Tell me this—you got this strike notice from the men, that is what I call it for shortness? Yes.

And you knew, of course, that there were a good many deputations to the Board—you were present at all of them prior to that notice? Yes.

Mr. Pike has stated to me, and I suppose you concur with him, that he, as one of the Board, stated that none of the men who formed the deputation would be victimised in any way? Certainly; the Board told them that.

One of the men was this man, Buckley? He was.

And have you got the circular you sent out with reference to the deputation? What circular?

Oh, the one you sent out? I didn't send any.

Of any kind—are you sure of that? Certain.

Well, did you get it sent? No.

Did you hear of any circular being sent out? No.

Do you say there was none? No.

By anyone? Not so far as I know or heard of.

Was there a verbal statement to the Station Master to watch those men? Not that I know of.

Or that you heard of? No, that I ever heard of.

Were the men with you upon the Saturday before they sent in this, or after? A great number were.

A great number were? Yes.

Mr. Lawrence—I will ask you the same question I asked Mr. Pike. Is there any foundation for the suggestion that Buckley, or any other man in the Company's service, was victimised or treated differently from any other man on account of his being a member of the deputation? None whatever.

About this circular—what time did you get it? I marked it half-past six.

And, I believe, your Board only meets on Wednesdays? That is all.

Mr. Humphreys (chief clerk)—Mr. Payne-Sheares is here now, Mr. O'Shaughnessy; do you want him?

Mr. O'Shaughnessy (to Mr. Payne-Sheares)—Mr. Pike was examined in the meantime, and I won't trouble you.

Mr. Lawrence—As regards Mr. O'Shaughnessy's observation that the procedure pointed out by the Act has not been followed, I have only to call your attention to the 8th section of the Petty Sessions Act, which provides that no case shall be dealt with outside Petty Sessions except cases enumerated in sub-section 2, and all cases for the future have to be dealt with in Petty Sessions, so that the procedure is perfectly regular.

Mr. O'Shaughnessy—The whole section is repealed if that is correct. The only right is the right to arrest.

Mr. Lawrence—The right is the right to punish. It is an offence on the statute book at present. It is not a dead letter.

Mr. Mayne—That is the case, I suppose?

Mr. O'Shaughnessy and Mr. Lawrence (simultaneously)—Yes.

The magistrates then retired, and after a consultation of half an hour returned to court, when

Mr. Mayne said:—Well, we are of opinion that this case comes within the 3rd and 4th Victoria, chapter 97, section 13, as amended by 5 and 6 Victoria, chapter 55, section 17, and this Court is competent to hear the case. We consider that the defendant acted wilfully in leaving his signal cabin on the date in question while in the employment of the Cork, Bandon and South Coast Railway Company, and it has been proved to us that by this act the passage of engines, carriages, or trains not only might be but was impeded. We are of opinion that this breach of the law cannot be met with less punishment than two months' imprisonment, which is, therefore, the sentence of the Court.

Mr. O'Shaughnessy—We will ask you to state a case; you see this is the extreme punishment, and we can appeal from that.

Mr. Mayne—You took this case as a test case.

Mr. O'Shaughnessy—Yes, we took it as a test case. I understood that my friend took it as a test case if it came within the Act, and the other case would be heard and dealt with by the magistrates.

Mr. Mayne—That agrees with my idea too.

Mr. Lawrence—I never understood my friend to bind himself to have the same ruling with regard to punishment.

Mr. O'Shaughnessy—Oh, no; that is so. Now, having regard to the fact that you have inflicted the full punishment, two calendar months, would you not let the other cases in this class stand over?

Mr. Lawrence—I am willing to do that.

Mr. Mayne—Until the other is discharged?

Mr. O'Shaughnessy—Yes; there are six or seven other cases in this section.

Mr. Mayne—Does that apply to the other cases?

Mr. O'Shaughnessy—No; only to the Railway Acts.

Mr. Horne—You apply to adjourn the other cases under this Act.

Mr. O'Shaughnessy—Yes, I think it is the best thing to do.

Mr. Horne—Until a day to be named.

Mr. O'Shaughnessy—Yes, until a day to be named.

Mr. Mayne—Will you take an appeal?

Mr. O'Shaughnessy—Yes, we will appeal, and we can get a case stated from Mr. Neligan, if necessary.

Mr. Humphreys (chief clerk)—Will you fix the amount of the bail for the men?

Mr. Mayne—£20 and two tens.

Mr. O'Shaughnessy—Better say two fives; this man is a workman.

Mr. Lawrence—Oh, no. My own view of it would be to ask for a larger bail, but the Bench having suggested it, I won't object; but it is the minimum.

Mr. O'Shaughnessy—The extreme penalty is £10, and, therefore, two fives would be ten.

Mr. Mayne—We are quite unanimous in thinking that the bail we have fixed is very moderate. (To Mr. Lawrence) Now which case will you go on with?

Mr. Lawrence—There are four of these cases that relate to guards, and, having regard to the decision of the Queen's Bench in England, I don't intend to proceed with these cases.

Mr. Mayne—And do you ask to have them struck out?

Mr. O'Shaughnessy—I brought down authorities to show they are unsustainable in point of law, and I ask to have them dismissed with costs in the usual way.

Mr. Mayne—What cases are they?

Mr. O'Shaughnessy—I will give them to you:—Cornelius Cronin, Michael Fenton, Timothy Hourigan, and Michael Finnegan.

Mr. Lawrence—There are only three men. Finnegan is only a goods guard. We will not abandon that.

Mr. Mayne (to Mr. O'Shaughnessy)—You apply for costs?

Mr. O'Shaughnessy—I think I should get full costs, as the full penalty is meted out to the men.

Mr. Mayne—Mr. Lawrence, have you anything to say to this application that they be dismissed with costs.

Mr. Lawrence—The only thing I have to say against the Company being dismissed with costs is that the precedent they established now will be applicable to the other men, and if, in case I get decrees against the other men, I will be entitled to them.

Mr. Mayne—We have nothing to do with that.

Mr. O'Shaughnessy—It was decided years ago that this Act does not apply to guards, and these guards have been brought here in face of a distinct ruling in the courts of England, and I ask you to give full costs. The costs are only about 20s., so it is hardly worth quarrelling about.

Mr. Mayne—We consider that these cases should be dismissed with costs, and we dismiss these three cases with 20s. costs.

Mr. O'Shaughnessy—These men are Cornelius Cronin, Timothy Hourigan, and Michael Fenton, and we say there is a fourth, Michael Finnegan, a special guard and porter. Now, sir, there is a short point with reference to some of these cases, and we contend with reference to the case of goods checkers and all foremen that the Act does not apply at all, and I will cite authority for it.

Mr. Lawrence—When we get the facts you will be in a better position to determine whether it applies or not. I will prove in each case that these are men employed in manual labour, but I cannot discuss a question of law now on what might be a false basis.

Mr. O'Shaughnessy—Very well.

Mr. Lawrence—They are not checkers at all ; they are men employed to handle goods. I now propose to take the case of Richard Ring.

Mr. O'Shaughnessy—What I would suggest to my friend, Mr. Lawrence, I don't know whether it will meet with the approval of the Bench or not, but there are a great number of these cases, cases of goods porters and platform porters, in which we agree about the designation of the party, and if

one of these cases was taken, and, of course, if you determine it one way or the other, it determines the question, because there is no distinction that I can see between that class. Then there are one or two other cases which would require to be taken separately.

Mr. Lawrence—Daniel Regan will illustrate a lot of them.

Mr. O'Shaughnessy—There are thirteen porters.

Mr. Lawrence—Daniel Regan's case will illustrate theirs.

Mr. O'Shaughnessy—Quite right. If you take Daniel Regan and Philip Moloney, Daniel Connell, Timothy Keating and those thirteen together, and when I call your attention to my point under the Act you will decide whether it falls under the Act of '75 or not, and if you determine one porter is within the Act, you will rule that they are all within the Act. We do contend with reference to the signalmen that they are not within the Act at all.

Mr. Lawrence—The signalmen are in class No. 1, and any case in No. 1 I am willing to let stand over for the present. I don't wish for two convictions against the men—I don't ask for that.

Mr. O'Shaughnessy—I think that is meeting me properly.

Mr. Lawrence—I will take Daniel Regan as illustrative of a class, and I will take any case that he says is different from Daniel Regan's.

Mr. O'Shaughnessy—I may state, in reference to the signalmen, that I am not at all admitting that they are not without the Act, because, in my judgment, they are clearly outside the Act.

Mr. Lawrence—I don't propose to go on with them at present, unless you drive me. Now, Daniel Regan.

Daniel Regan appeared at the Bar.

Mr. Lawrence—Daniel Regan was employed in the Cork and Bandon Railway as goods porter, and he is one of the men who signed this notice we have already put in, and one of the men who went out in obedience to it. First of all, as to the class, and whether he comes within this class. There have been several decisions as to what falls within the de-

finitions of the Employers' and Workmen's Act, and the latest of these decisions is the report of Bound v. Lawrence, 1 Queen's Bench Reports of 1892. That was a case where an action was brought against a grocer's assistant, and, of course, it was held that he was not within the Act, but the case is valuable for the authoritative definition of the Court of Appeal as to what is the rule to apply to determine whether a man is within the Act or not. The argument in his case was that, to a certain extent, he performed manual labour, because he not only took the customers' orders and negotiated sales with them, but he did acts involving the use of his hands; and the question was whether such labour was his real and substantial employment, and whether it was incidental or accessory to such employment. This appeal was heard before Lord Esher, Lord Justice Fry, and Lord Justice Lopes. Lord Esher says: "The question in this case is, whether on the facts stated by the magistrates the appellant can be said to be engaged in manual labour within the meaning of this Act of Parliament. It seems to me that the decision in Morgan v. London General Omnibus Company assists us to this extent that it shows that we must not look at what the appellant may do incidentally in the course of his employment, but must see what is his real and substantial work. Now, I take it, that if we examine this case it appears that the appellant was employed as a grocer's assistant in a shop, and his business was to take orders from the customers and carry them out. In doing this he may have to show goods, and if the customers take away the goods he has to make up the parcels. In doing this he has to use his hands, and the question is whether that makes him a manual labourer. There can be no manual labour without use of the hands; but it does not at all follow that every use of the hands is manual labour, so as to make the person who does it a manual labourer. Now, the principal part of the appellant's employment is selling to the customers across the counter. That is substantial employment, and if he has to do other things which involve physical exertion we must

see whether that is not incidental to his real employment. In this case I cannot doubt that that is so. The findings of fact seem to me to negative the idea that the work described was any part of his real and substantial employment. If the mere user of the hands in matters incidental to a man's employment is to constitute him a manual labourer it would extend the Act to every shop, great or small, which cannot have been the intention of the Legislature. I am of opinion, therefore, that the decision of the Queen's Bench Division confirming that of the Justices should be reversed." Lord Justice Fry says:—"It is to be observed that it is difficult to imagine any work done by a man so purely intellectual as to require no kind of work with his hands; and the converse is equally true that there can hardly be work with the hands that requires no intellectual effort. If, then, the words 'manual labour' are to have the full significance which could be put upon them they would be extended to every kind of employment. That cannot be the true meaning of the statute; but some more confined interpretation must be arrived at. I agree that this must be done by looking to the nature of the substantial employment, and not to matters that are incidental and accessory"; and Lord Justice Lopes says:—"What we have to look to is the substantial nature of his employment, and that is dealing with customers in the shop." Now, in this case, this man, and others of the same class, are employed as goods porters, and the real and substantial employment of these men is expressed in the words of the Act. A porter is a man who bears loads—who loads and unloads trucks and does the rough and manual labour of the Company. His real and substantial employment is that of an unskilled labourer working with his strength and his hands. That is his value; that is what he is paid for. Incidentally to that he may occasionally make an entry in a book, but the real and substantial employment of the man is to handle goods. They have a very expressive term for that in America; they won't say that a man is a servant or a porter, but that he is a person em-

ployed to handle freight. Their real and substantial employment here is that of manual labour. Another question is this: this man went out and absented himself from his employment, and the question was raised of a man going out like that and absenting himself from his employment—was that a dispute within the meaning of the Employers' and Workmen's Act. The next question is disposed of in another case, and it is a case that is extremely similar to the present one. It is a question as to what constitutes a breach of contract, and also as to what the damages that may be given for it are. It is the case of Bowes and Partners v. Press English Reports for '94, First Queen's Bench. The head note of the case is this: At the hearing of a complaint under the Employers' and Workmen's Act, 1875, by the proprietors of a coal mine against the defendant, one of their workmen, it appeared that the workmen were employed under contracts determinable on fourteen days' notice, and subject to certain regulations under which the employer might dismiss or suspend any workman for disobedience to orders, and the workmen in ascending or descending the mine in the cages were to obey the orders of the banksman; so you see there the employer might dismiss anyone for disobedience of orders. The case is exactly similar here; they are employed at a weekly wages, with the obligation to give a week's notice, and with the right to the employer to dismiss them for misconduct. "Part of the miners employed at the colliery, including the defendant, were members of a trades union. The unionists addressed a notice to the complainants that, at the expiration of fourteen days, all non-unionists must ascend and descend the mine by themselves. On the morning of the day on which such notice expired certain workmen, of whom the defendant was one, were at the pit mouth for the purpose of going down in the cage then in readiness for them. The first to enter the cage was a non-unionist, whereupon the other men, who were unionists, refused to go down with him. The non-unionists then went down alone, and upon the next cage coming up a few seconds afterwards the

unionists offered to go down, but the under manager in charge refused to allow them to do so. This occurred three successive days. The Justices ordered the defendant to pay substantial damages for wrongfully "absenting" himself from the complainants' service, and dismissed a counter claim by him for having wrongfully refused to allow him follow his lawful employment." The Court of Appeal held, affirming the decision of the Justices, that, under the circumstances, there had been a breach of contract on the part of the defendant as entitled the complainants to substantial damages, and not merely to nominal damages, and that the counter claim could not be maintained. The point made was that the colliery proprietor suffered no injury at all, because there was only a short interval between the refusal of the men to go down and their offer to go down again. In that case Lord Justice Lindley said that the real difficulty was whether by reason of the men's breach of covenant the masters were entitled to merely nominal damages or to substantial damages, and that the under manager was entitled to refuse to take them down under the circumstances. His lordship also put it that the men had no right to dictate to the masters as to how they were to carry on their employment. It is exactly similar to this, in which these men say unless this man, Buckley, is taken back before a certain day they will leave your service. That is a stronger measure than even the measure taken by the English unionists. This was a very peremptory proceeding. The English unionists gave fourteen days' notice; here they gave only a day's notice. We claim here only £10 damages against each man, but the loss to the Company is enormously greater than if you fined each man of them £10. The result of the action of these men was that all goods traffic had to be suspended, and continued suspended till the other day, when it was resumed in a very limited and partial form. Of course, this is a question of damages; it is not compensation, but it is damages, and under the authority of that case which I have read for you, you are entitled to give substantial damages against these men."

Mr. O'Shaughnessy—It is only right to call your attention to this case to show you what Mr. Justice Lindley thought were substantial damages. They were fixed at 5s. That shows what different views they take of things in England

Mr. Lawrence—It was agreed to before the magistrates that it should be 5s., as no injury was suffered by the action of the men, but here the men have absolutely stopped the receipts altogether.

Mr. O'Shaughnessy—They have a whole week's wages of the men.

John Peters, sworn, examined by Mr. Lawrence:—

Mr. Peters, you are superintendent of the goods department? Yes, sir.

You know Daniel Regan? I do, sir.

Is he one of the men under your directions? He is, sir.

What is his status in the Company? He is a goods porter —loading goods and helping about cattle.

Loading goods and cattle? Yes, sir.

Now he is one of the men who signed this notice?—

Mr. O'Shaughnessy—Oh, yes; we admit that.

Mr. Lawrence Now, did you read to Regan this cautionary notice here?

Mr. O'Shaughnessy—It is quite intelligible in that five shillings case; it is clear that no damages can be sustained for breach of contract greater than can be given. If the Company dismissed us wrongfully all we could get is a week's wages. I knew no Court ever decided that £10 could be recovered against a workman.

Mr. Lawrence—When this man went out in accordance with this notice what did he intend to be the consequence? Did he not intend to stop the traffic on the line? Did he not know that the consequence would be enormous damage to the Company far beyond the amount of his salary. A servant may inflict enormously greater loss on his employer by his breach of contract than he could secure had the employer turned him out.

Examination of John Peters resumed by Mr. Lawrence:—

Now, did you read the notice to this man? Yes.

Mr. O'Shaughnessy—I have admitted all this, and what is the use of going through the form over and over again.

Mr. Lawrence—This is the cautionary notice, cautioning him against the consequence—"They must further be aware that their action is illegal, because they are not giving a week's notice, and if they throw up their work at the time and date mentioned they will have to take the consequences —a fact you will, please, intimate to them." (To witness) Now, in consequence of the men going out, others went with him—the whole staff, I believe? Yes.

Were you obliged to refuse to take and transmit any goods? Yes; we were obliged to close the gates. Several loads of goods came, but we had to refuse them.

How long did the goods service remain suspended? Five or six days.

Five or six days it was wholly suspended? Yes.

And since then it has been partially suspended? Yes.

Mr. O'Shaughnessy—I object to this. This is an ordinary action for breach of contract upon a specified ground, and only on a specified ground is is sustainable under this rule, if sustainable at all.

Mr. Lawrence (to witness)—Was the refusal to take goods because you had no men to receive it? Yes we had no men to receive it.

Mr. O'Shaughnessy—You may go down.

Philip Pericho, sworn, examined by Mr. Lawrence:—

You are auditor of the Company? Yes, sir.

Have you looked into the receipts of the Company during the week from the strike? Yes, sir.

Mr. O'Shaughnessy—I object to this.

Mr. Horne—I didn't hear the question.

Mr. O'Shaughnessy—He is asked whether or not he had looked into the loss of the Company by the strike.

Mr. Lawrence—No; I am not asking that. First of all he states he is auditor of the Company, and I asked him what is the falling off in the receipts for the week of the strike.

Mr. O'Shaughnessy—Sure, that is not evidence at all.

Mr. Lawrence—I submit that it is—to measure the loss. The first witness says they were unable to carry on the traffic in consequence of the strike, and now the question is what did they lose by it.

Mr. Mayne—We think it is a question that ought to be put.

Mr. Lawrence (to witness)—Now, what was the loss on the first week of the strike? The first week it was £162, and the next £618.

What times are the weeks that you audited? From Saturday to Saturday.

That will do. That is my case.

Mr. O'Shaughnessy—I respectfully submit they must turn to the Act of Parliament to see what the dispute is in this case. If the dispute is a strike you have no more power to hear it than you have to hear any other transaction that one can well conceive. No more than you would have to issue the dividend warrants of this Company. As I understand the dispute, and the only ground upon which it can be held to be such, is Rule 207, namely, that we quitted the service without giving a week's notice. That is what is in the summons; that is what is before you. You have now taken evidence to show that by a general strike £162 were lost in one week and £600 in another. The summons before you is a summons for failing to give a week's notice under the 207th Regulation or Byelaw. Now, sir, failing to give notice is exactly the same as taking a house. If you take a house, and by your contract provide to give notice before leaving of three months, one month, or six months, the measure of damages is the length of that notice. It is not arguable—it is simply childish—to say that you can give against these men the loss of the strike; and the case that was quoted there, I knew no English Court ever decided such a proposition that any man's wages beyond a week or a fortnight could be given. On looking at the case I see that what they call serious or substantial damages was 5s., and you are gravely asked now to divide the cost of the strike amongst

these men; at the same time the extreme limit of your jurisdiction is £10. Why, according to the proof here, you have no jurisdiction at all, because the damage is £162 and £600. They may take their choice now in this matter. The limit in the statute is this—You shan't exercise any jurisdiction where the amount claimed exceeds £10. That is the amount claimed in respect of the dispute. The amount that you have evidence of before you is £162 and £600. How are you to apportion that? It is not like in the County Court where the amount is greater there is power given by statute that you can abandon the excess and bring yourself within the Court. You have no earthly jurisdiction if it is put forward that we are responsible for anything greater than ordinary common law liability. If we were dismissed in the cruellest way by this Board of Directors, if they turned us out after twenty or thirty years of service, all we could recover under our contracts is one week's wages—although they gave us no notice—if they wrongfully dismissed us, that is the measure of damages we would get; and in the same way when they come in and sue us, the measure of their damages is one week's wages, and that one week's wages they have in their pockets. Our wages are due to us to the 22nd January. That week they have actually in their pockets, and we are not obliged to serve a set off. I am sure, in face of this summons, that I think I can understand the question being brought under an old Act of Parliament, and I don't discuss it with you—don't imagine I am disrespectful in any way to the Court, but I am not going to discuss that or go into it. I can understand that being brought to determine whether they have a remedy under that Act of Parliament, but it is brought against every man, and appears to me to be wholly without justification or excuse. They have confiscated their week's wages. The men gave short notice, no doubt, but they gave notice that they were going out, and, under these circumstances, you are gravely told that the case in England has determined this, that serious damages have been given, and then you find that these sub-

stantial damages are 5s. I did not hear any case quoted in which it was ever determined that a railway official is within this Act at all. It is a curious matter when the Employers' Liability Act of 1880 was being passed it was necessary to put in a section, and the section is put in, in order to bring railway servants within it. A workman means a railway servant and any person to whom the Employers' and Workmen's Act of '75 applies. There is not a single case in which it was applied to a railway employee. I ask your attention to the nature of the employment, and what the words of the 10th section of that Act are. The definitions in section 10 of that Act are very peculiar: "Being a labourer, servant in husbandry." It is quite plain that a platform porter or goods porter is not a labourer, or journeyman, or artificer, handicraftsman, or miner, or otherwise engaged in manual labour. These men have to work, no doubt, with their hands. This is put by Mr. Justice Grantham in a very recent case, and very well put by him, in Cook v. North Metropolitan Tramways Company, and it was there held that a driver is not a workman within the meaning of this Act of Parliament at all, and the way in which Mr. Justice Grantham and the present Lord Justice Smith put it is thus:—"It is difficult to define the line beyond which a man fails to come within the definition clause, but I think a fairly satisfactory distinction may be drawn between those whose labour is continuous and requires no application of thought, and those whose labour requires the application of a certain amount of thought and skill. The plaintiff comes within the latter clause, and is not within the provisions of the Act." The point there was this: he was obliged to hook and unhook and drive the horses by using his hands; but using the words manual labour as labour by the hands, all he had to do was to keep his eyes open and see where he was driving. The tramcar only runs on certain rails and cannot go from them, and this is one of the cases in which it was held that this man was not at all within the Act of Parliament. You will find that there are a series of cases that my friend has not called your atten-

tion to, and I had better do so. One is a case in which it was sought to apply this Act of Parliament to a goods guard, whose duty it was to shunt trains and do manual work, and it was part of his duty to couple and uncouple trucks and unload them, and to assist in doing that, and yet the way in which the matter is put by Mr. Justice Charles is this:—"The question is, what was the nature of the work in which the plaintiff was engaged. His main duty was to conduct, guard, and take care of the train, and before commencing the conduct of the train, to marshal the trucks. It was also a part, though a very subordinate part, of his duty to assist, if occasion required, in coupling and uncoupling the trucks, and also in removing the goods. But the mere doing of those things cannot affect the general nature of his employment, which, in my judgment, is not one of manual labour." In this case he does not fall within the Act, unless he is one of the parties named in the Act. I do not wish to trouble you further but on the question of damages: the thing appears not arguable in point of law. It is as clear as daylight. The two points determined in the case that has now been referred to were: they were not merely entitled to nominal damages, but that absenting themselves from the employment might be a dispute within the meaning of the Act; but it never determined the monstrous proposition sought to be established here that you can give damages up to £10 by reason that through the strike they have lost a larger sum of money. A notice of set off is not necessary. There is the week's wages. That is conceded us by the Act.

The magistrates withdrew to consult, and on returning to the court, after an interval of five minutes,

Mr Mayne said:—Will we have to consider this case as to the question of damages and everything else, or merely on the point of law?

Mr. Lawrence—I think you may determine the whole case.

Mr. O'Shaughnessy—I have nothing further to say, sir. If you rule one case it will rule them all, because the facts are the same in every case, and there is no use in having twelve or thirteen discussions.

The magistrates again withdrew, and on re-entering the court, after an absence of ten minutes, announced their decision.

Mr. Mayne said—We are clearly of opinion that this defendant comes within the meaning of the Act, and we assess damages at £4, and ordinary costs.

Mr. Lawrence—What do you say on the question of costs?

Mr. Mayne—Oh, the ordinary costs.

Mr. O'Shaughnessy—There is a series of cases that hangs upon that decision, and what I would suggest, sir, is this: We intend to take this upon the second question—the question of damages—for I am quite clear upon that, and would it not be better to let the others stand over pending the result of this.

Mr. Lawrence—Certainly; the same as the others.

Mr. Horne—We understand that to be so.

Mr. O'Shaughnessy—Would you state a case on the question of damages?

Mr. Lawrence—I thought these two classes were appeals to the Recorder, and the question of law and fact will be determined by the Recorder, and, after that, he can come back here and dispose of the other cases. I understand that that was the course to be taken. It would be inconvenient to have one branch of the case stated and another dealt with by appeal. I understood that both were to go on appeal.

Mr. O'Shaughnessy—I don't go back of my arrangement. The facts are exactly the same in every one of them, and I admit the facts as were given in evidence before you in the Regan case, but I don't understand that the magistrates intended to fine £4 in each of these cases; I would not consent to any such thing.

Mr. Lawrence—I am willing to go on the original lines, and my friend can go to the Recorder and see if the damages are excessive. As regards the question of punishment and damages, I said they would be perfectly open, and I said you were not bound on either question except the question of law.

Mr. Horne—The Court so understood and stated that.

Mr. O'Shaughnessy—Of course, you have them all now before you, and you can inflict fines if you think fit; but I won't have my hands tied in reference to whatever view I may take.

Mr. Mayne—What is the next case on our list?

Mr. Lawrence—The next case is Timothy Keating.

John Peters examined by Mr. Lawrence:—

Timothy Keating, I believe, is a goods porter in the employment of the Railway? Yes.

Mr. O'Shaughnessy—I have admitted that. I admit that the state of facts applies to everyone of the goods porters. This is a civil case, and if there were £10,000 or £20,000 involved and an action for it went on before a judge, and counsel stated that there are, say, seventeen cases, and he admits the facts of one apply to all, it would be accepted.

Mr. Lawrence—I don't know what is going to happen in everyone of those cases. I thought I did, but I didn't, and I prefer to give evidence. I will not ask you for any decision where no witness has been examined before you.

Now, Mr. Peters, Timothy Keating is employed as goods porter? Yes.

His duties are similar to those we have dealt with? He was a checker.

What are his duties? To receive goods, and load them, when required.

What did he generally do? He generally received goods and checked them.

Did he put them into the wagons? Yes.

Did he take them out of the wagons? Yes, when called upon.

His principal work was loading the wagons? And checking the stuff going into the wagons.

He went out, as we know, with the others? Yes.

Mr. O'Shaughnessy—What was his calling—a checker, wasn't he? Yes.

And kept a book and checked the goods? Yes.

And he had to make entries in it? Yes.

And was paid higher wages than the ordinary goods porter? Yes, he was paid two shillings a week more.

And, now, wasn't his principal duty to check the goods?

And load them? To check and load.

Wasn't his principal duty to check? His principal duty was checking.

Mr. O'Shaughnessy—This is not within the Act at all.

Mr. Lawrence—Had he not to load the goods that you say he checked? He had to load the goods also.

Mr. O'Shaughnessy—I respectfully submit it is clear that this is not within the limits of the Act.

Mr. Mayne (to witness)—Was he superintending the loading of the goods? Yes, superintending the loading of the goods.

Mr. Lawrence—Had he to put them in with his hands? In some cases, yes.

And doesn't he load them? Yes, at times.

Mr. O'Shaughnessy—So did the guard in the other case, too.

The magistrates then retired, and after a short consultation returned to court.

Mr. Mayne—We are satisfied in this case that his principal duty was checking and superintending the loading of goods, and, therefore, we don't consider that he comes within the Act, and we therefore dismiss the case. We are not giving costs.

Mr. O'Shaughnessy—We have arranged, since you went out, the cases which the decision in Daniel Regan's case determines. They are the remaining goods porters, and here are their names—John Tyner, John Regan, John Riordan, Cornelius McCarthy, Timothy Twomey, Jeremiah O'Connor, Daniel Coakley, and Daniel O'Connor. And, with reference to these cases, we have arranged by consent that they should stand over, and, after the decision of the Recorder, come before the magistrates for hearing and determination. I think that will prevent any misapprehension, because I don't

know that the same magistrates will be present at the hearing of these cases again. Of course, Mr. Mayne will be here.

Mr. Mayne—Mr. Horne will also be here, I think.

Mr. Horne—I only came here because I am ordered.

Mr. Mayne—I think it ought to come before the same Bench, if possible.

Mr. O'Shaughnessy—There are John Connell and Thomas Forde, and—I am mentioning this for another purpose—Jeremiah Carroll, and Denis Murphy, these four cases, if you take them together.

Mr. Lawrence—We will take Denis Murphy. They are all the same.

John J. Wagner examined by Mr. Lawrence:—

Now, you know Denis Murphy? Yes.

Is he in the employment of the Company? Yes.

What is his standing with the Company? He is a passenger porter.

Is he employed upon the platform? Yes.

What are his duties? To truck the luggage.

That is, where passengers arrive with the luggage, his business is take luggage from them and to truck it and put it into the carriage? Yes.

And where trains arrive with luggage it is his business to unload the luggage? Yes.

And take it out for the passengers? Yes.

And open the doors of the carriages? Yes; and clean them.

Clean the carriages? Yes.

He is, of course, as we know, one of the men who went out? Yes.

Mr. O'Shaughnessy—I think these had better stand with the other cases; I can't see any distinction between them myself.

Mr. Horne—That's what we expected.

Mr. O'Shaughnessy—Now for the other matters that are

of importance. There is one, Michael Finnegan, he, we say, is a special guard, and then we will take the checkers.

Mr. Lawrence—Now, Michael Finnegan's case.

John Peters, examined by Mr. Lawrence:—

Now, you know Michael Finnegan? I do.

Is he one of the men in your employment? He is.

And is he a goods porter? Yes.

Mr. O'Shaughnessy—Is he employed as guard at all? Occasionally he is employed as such.

He has been employed as guard? Occasionally, yes; in a pinch.

As a special guard? Yes.

And is he able to go as guard? Yes.

And is he sent as guard? He has been sent occasionally.

About how often would he be sent as guard? Once a month or six weeks.

Tell me, is he not sent out as a special guard to every fair? Not every fair.

Well, almost every fair? Several fairs. He is only sent to occasional fairs.

I don't think this man is within the Act.

Mr. Horne (to witness)—What was his position when he went out? He was a goods porter.

Mr. Lawrence—Is not that his employment? Yes, that is his regular employment.

Mr. Mayne—That was his principal duty? Yes, sir.

Mr. O'Shaughnessy—If you are against me on that, better let it go in with the rest; but I think there is a question that he is a special guard.

Mr. Mayne—We are against you on that.

Mr. O'Shaughnessy—Very well, sir.

Mr. Lawrence—Now, Richard Ring, Daniel Coughlan, and James O'Leary. (To Mr. O'Shaughnessy) What are you going to do with that case?

Mr. O'Shaughnessy—We are going to let it stand with the others.

Mr. Lawrence—It will be noted there will be nothing to be determined in that case except the amount of the damages.

Mr. O'Shaughnessy—In these cases the Recorder will lay down a judgment. That judgment will be before this Bench, and any Bench will respect the judgment of the Recorder of Cork.

Mr. Horne—Every magistrate in Cork will.

Mr. O'Shaughnessy—And every magistrate outside Cork, I may say. The whole thing will be threshed out by him, and the magistrates will be able to apply it. The next point I intend to fight is Richard Ring, Daniel Coughlan, and James O'Leary—we say these are not labourers.

John Peters, examined by Mr. Lawrence:—

What is Coughlan's employment? He is a goods porter.

Are his duties similar to Daniel Regan's? Similar.

What are these duties? Receiving and unloading goods.

That is work that he does with his hands? Yes.

Mr. O'Shaughnessy—Are not his principal duties checking the goods, and are not his principal duties keeping books? He checks the loads the same as other porters.

And he is paid higher wages? He is not.

I see Jeremiah Carroll has 14/- and he has 17/. Now, do you tell me his duties is not checking the goods? His duty is to check the goods and load them.

How does he check them—does he enter them in any book? He gets the consignment from the public and he checks them with that.

He checks them from the consignment? Yes.

Is that the principal part of his duty? It is part of his duty.

Hasn't he to do that every day of his life? Yes.

Now, with reference to Ring, what is his duty? Ring is an inwards foreman.

Mr. Lawrence—Hadn't we better confine ourselves to Coughlan?

Mr. O'Shaughnessy (to witness)—What is that? He has charge of the inward goods.

Now, Ring is an inward foreman? Yes.

And he has a superior position to those other men? He has.

And his duty is as foreman over them? Yes.

It is clear that he does not come within the Act.

Mr. Lawrence—Does he work the same as the other men? He does not, sir.

Mr. Mayne—We agree that Ring that does not come within the Act.

Mr. O'Shaughnessy—Now, with reference to O'Leary, has not O'Leary the duty of checking goods? The same duties as Coughlan, that I am after explaining.

The same duty as Coughlan? Yes.

Mr. Lawrence—To clear up that, as I understand, when goods are brought to the station the man who brings them brings a consignment note? Yes.

And the porter whose duty it is has to look at that consignment note to see that he has received the goods it represents? Yes.

And that is all the intellectual work he does? Yes.

And then with his hands he puts them into the wagons? Yes.

Mr. O'Shaughnessy—That is very like what is put here in the case by Mr. Justice Grantham.

Mr. Lawrence—In the case I put before you there is no class of manual labour in which there is not the same intellectual work—"I think a fairly satisfactory distinction may be drawn between those whose labour is continuous and requires no application of thought, and those whose employment requires a certain amount of thought and skill." I say that the principal part of this man's duty is to take the goods, and that brings him within that section.

Mr. Mayne (to Mr. O'Shaughnessy)—In Coughlan's and Leary's case we rule against you, and they stand with the others.

Mr. O'Shaughnessy—Richard Barrett is the remaining case.

John Peters, examined by Mr. Lawrence:—

Now, is Richard Barrett in the service of the Company? Yes.

And he takes his orders from you? Yes.

And what does he do in working? He is the cattle foreman. He superintends the unloading of cattle.

Has he anything to do with the physical doing of it himself? He has not.

He did merely clerical work? Yes.

Mr. O'Shaughnessy—Then that case cannot stand; that must be dismissed.

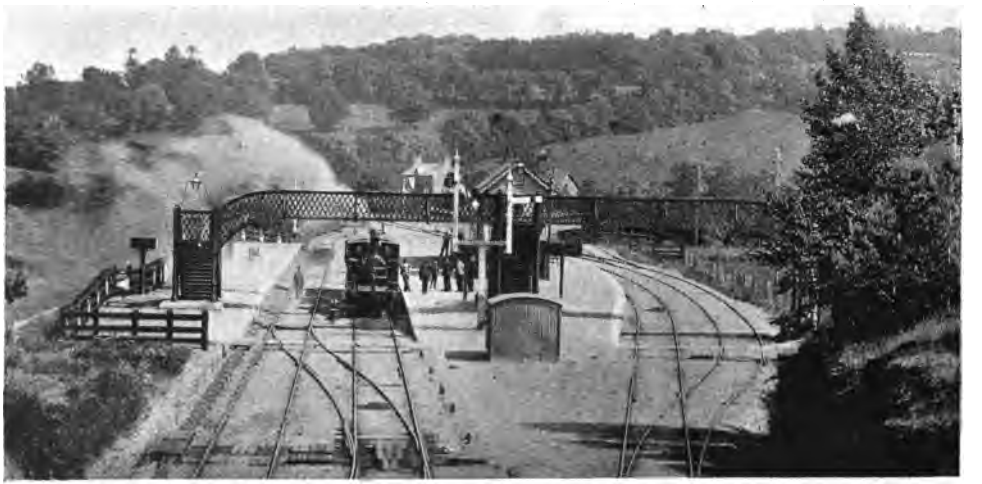
Mr. Mayne—Yes.

Mr. Lawrence—That concludes all the cases.

On the question being asked by Mr. Lawrence as to whether Mr. O'Shaughnessy would make an application with reference to the week's wages of the men, Mr. O'Shaughnessy said he would say nothing. He added: "I may state the real question I am fighting is not the question of the £4 fine, but it is the point whether the magistrates have power to give a decree for more than a week's wages. I am not fighting it on the paltry question of the set off or anything of that kind."

Quite aside from these particular cases there were several individual instances of assault and intimidation, not merely in Cork, but at several places down the line, such as Kinsale, Bandon, Ballineen, Dunmanway, Skibbereen, Bantry, etc., and in every instance the men were defended by the Amalgamated Society's solicitors, but in almost every instance they were either imprisoned or heavily fined. There was one very bad case, viz., The Queen v. Jeremiah McSweeny, in which Lord Chief Baron Palles' observations are worthy of note and record, and it is accordingly cited in full.

It further shows the value to be attached to the evidence of a lot of fellows on picket duty, for, while the defendant pleaded not guilty the first day, and produced innumerable alibi witnesses, he pronounced himself guilty at the second hearing of the case, and thereby came in for Crown clemency.



Clonakilty Junction.

"THE QUEEN" *v.* JEREMIAH MCSWEENEY.

Minutes of Evidence, etc., and Judge's Charge on Trial.

At Cork Spring Assizes, before Lord Chief Baron Palles, Jeremiah McSweeney, lately engaged as goods guard by the Cork, Bandon and South Coast Railway Company, was indicted in the following terms:—(1) That Anglesea Street and Langford Row being certain streets in the city of Cork, together with other persons unknown, on the 18th day of February, 1898, with force and arms did riotously assemble and gather together to disturb the peace, and being there gathered together then and there did make a riot, disturbance, and assault; (2) Common assault upon Michael Brennan; (3) On the day and year aforesaid, with a view to compel said Michael Brennan to abstain from doing an act which he had a legal right to do, namely, to continue in the employment of the Cork, Bandon and South Coast Railway Company as porter, unlawfully, wrongfully, and without legal authority, did follow said Michael Brennan, with two or more persons unknown, in disorderly manner in and through Anglesea Terrace, Anglesea Street, Infirmary Road, Langford Row, Douglas Street, Summerhill South, and Evergreen Road, certain streets in the said city of Cork.

Prisoner pleaded not guilty.

Sir Francis Brady, Q.C., and Mr. J. F. Moriarty, B.L. (instructed by Mr. H. T. Wright, Crown Solicitor), appeared to prosecute; and Mr. Seymour Bushe, Q.C., and Mr. Brereton Barry, B.L. (instructed by Dr. H. A. Wynne, solicitor), defended.

A jury having been sworn, Michael Brennan, in reply to Sir Francis Brady, deposed that he was head porter at the Cork Terminus of the Cork, Bandon and South Coast Railway. Prisoner, who was one of the men who went out on strike on 24th January, had been a goods guard. At eight

o'clock, on the evening of Friday, February 18th, he left to go home; he left the Company's premises by the level crossing, and on his way to Evergreen Road, where he lived, he was followed by a crowd of ten persons, mostly strikers, who booed at him. They walked after him to Langford Row, where he stood, to allow them pass him out. McSweeney, who seemed to be the leader of the crowd, called a halt, and said they would see him home. Witness said they would be wasting their time seeing him home, as he could go home by himself; at the same time he also said he didn't mind if they did, as he was not ashamed to have them with him. They all went together for some distance into the street, and then McSweeney struck him with his knee behind, and shouted quick march and something about police protection. He understood that to be a reference to his father, who was in the Company's service for forty years, and who was now under police protection. Witness turned round and said to McSweeney, "Although I do not object to your following me, I certainly do object to your assaulting me"; he then continued his way into Douglas Street, the crowd still following, and when just going into Summerhill South he was hit a severe blow on the side of the face by McSweeney, who remarked, "Take this—you can have it." Witness turned round, and, as McSweeney was making a second drive at him, he (Brennan) struck him and knocked him down. Prisoner got up, put his hand in his right coat pocket, and pulled out a leather strap, to which was attached a weight, and had his hand raised to strike him with it, when he was prevented by two of the strikers, Mehigan and Hourigan. Witness told McSweeney he was a coward, and then continued his way home. The crowd stopped at the commencement of Summerhill South, and when he got some distance several stones were flung at him. When he was leaving the bridge at the level crossing someone in the crowd said, "Here he is, boys; come along; hurry up"; and they all then followed him.

The Lord Chief Baron—When did the booing commence?

Witness—From the time I left the railway premises, my lord.

The Lord Chief Baron—How long did the booing continue?

Witness—Until I got very close to my own house.

The Lord Chief Baron—At Langford Row and Summerhill South was McSweeney with them?

Witness—He was, my lord.

To Mr. Bushe, Q.C.—He could not say whether prisoner was with the crowd during the stone throwing; he was, apparently, sober.

When the men were holding him was he not staggering from drink? No, he was struggling to get free from them.

Are you sure you heard booing?

Witness—Certain.

How long have you been in the service of the Company?

Witness—Twenty years.

Have you a good character?

Witness—I think so.

Sir Francis Brady—These men who were in the crowd following you were all railway men on strike?

Witness—They were, sir.

Sir Francis Brady—Until you got the blow from behind and then on the face you were not at all uneasy?

Witness—I was not.

The Lord Chief Baron—He did not like to be assaulted, and he was terrified out of his life when he saw the strap with the ball attached.

Sir Francis Brady—The Crown case has closed.

Mr. Bushe asked his lordship to direct an acquittal in reference to the first count for riot.

The Lord Chief Baron—I will determine that when I hear your witnesses.

Mr. Bushe—Am I not entitled to it?

The Lord Chief Baron—My own impression is that the evidence does not lead up to a riot, but I will not direct for you, I will wait till I hear the other witnesses.

Mr. Bushe then addressed the jury for the defence, and

submitted that there was really an attempt to inflate into a tremendous state trial a prosecution which, in an ordinary case, if it had not arisen out of this trade dispute in the city of Cork, would have been treated with absolute contempt. He asked the jury to come to that conclusion.

Evidence was then called for the defence.

Timothy Hourigan deposed, in reply to Mr. Barry, that he had been in the employment of the Cork, Bandon and South Coast Railway Company. He was at the footbridge on the night of the occurrence along with others, including McSweeney. They walked along with Brennan—they were not booing or making a disturbance; while stepping off the footpath McSweeney accidentally touched Brennan, whereupon the latter turned round, and striking McSweeney on the side of the head, knocked him down; McSweeney got up and made a rush against Brennan, but witness and a man named Mehigan kept him back. Witness did not see him draw any weapon at Brennan.

Cross-examined by Sir Francis Brady—He was on strike.

To his Lordship—There were nine of the men on strike there.

Sir Francis Brady—Do you swear on your oath that McSweeney did not draw a strap?

Witness—I did not see him, at all events.

You were all out on strike; what took you there at all that night? We walked round the whole premises to see how things were working.

You were picketting? Yes.

The Lord Chief Baron—What do you call picketting? Being there for the purpose of getting information.

Sir Francis Brady—Is not this picketing to watch workmen going in and deter them from working for the Company? We were there to induce them to come out.

Did Mr. Wagner say to you, "This is a bad case—what made you hit him," and did you reply to that, "McSweeney struck him suddenly"? I do not remember.

I have only one question more to ask you. Were you not

tried for this case, and didn't you plead guilty? I pleaded guilty to following.

Then you were one of the parties who were persistently following Brennan? Yes.

What were you following him for—was it to make him leave the Company?

Witness did not answer.

Mr. Bushe said he proposed to call no other witnesses, as their evidence would be precisely the same.

Mr. Moriarty said he would call Mr. William Wagner in regard to an important statement.

Mr. William Wagner was then examined. He deposed he was a clerk in the employment of the Cork, Bandon and South Coast Railway Company. On the day that the prisoner was arrested on the present charge he had a conversation with the witness, Timothy Hourigan. Witness said, "It is a bad case, what made you let him hit him," to which Hourigan replied, "Sweeney struck him suddenly." He also said he was sorry he had not gone home, as he would be mixed up in the case now.

Mr. Moriarty then replied for the Crown. He submitted that these eight or nine strikers were haunting and frequenting the station for the purpose of injuring the men who had remained in the employment of the Cork and Bandon Railway, and making them leave it, so that the Company would not be able any longer to carry on the business, and the traffic would be at a standstill and the public inconvenienced. They found this party of men unlawfully waiting for Brennan for the purpose of escorting him, as they said, but as he (Counsel) would say for the purpose of persecuting this man, of driving him from his employment with blows and a fusilade of stones. If that was not an unlawful assembly, he did not know what was. Which of them would tolerate the conduct of this man, McSweeney? which of them, when they left their place of business to go to their homes, would like to be followed by a crowd, and have a fellow whose company they did not like marching with them shoulder by shoulder,

and assault them in the way Brennan had been assaulted? It was not a case that would involve serious punishment, but it was, undoubtedly, a case that deserved serious consideration at their hands, and the prosecution were entitled to a verdict; and the only possible verdict, consistent with truth and justice and all the facts of the case, was that the prisoner was guilty.

The Lord Chief Baron then summed up as follows:—Gentlemen of the Jury, there has been an effort made here by my eloquent friend, Mr. Bushe, to laugh this case out of court. Well, the Legislature does not consider that cases that are in any way connected with strikes are cases that ought to be dealt with in that way, because a special privilege is given to prisoners in cases where the charge is that which is mentioned in the third count of this indictment—a special privilege is given to them to require the case to be tried by a jury. The Crown did not try it by a jury in the first instance. It was a Police Office case in the first instance, but the Legislature considers that the questions arising out of the relations of employers and employed which relate to strikes so seriously affect the well being of society that they give the prisoner who is charged the right to avail himself in every such case of a trial by jury, although the offence, so far as punishment is concerned, is one that might be well dealt with by the Police Court. Therefore, if you have been occupied for some time in trying these cases you cannot help it, because it is the Legislature that has made this special provision, and the defendant, McSweeney, has thought proper to avail himself of it, and has said before the magistrates when he was asked whether he wished to be tried by them or by a jury, that he elected to be tried by a jury. There are three charges. There is, first, the charge of riot; there is, secondly, the charge for assault; and there is, thirdly, the charge of following, with two or more persons in a disorderly manner with the object of inducing Brennan to quit his employment, and join the strikers. I don't think the case is of such importance that, if you are of opinion

that the prisoner is guilty upon any one of these three counts, that the Crown would press you to find him guilty upon all the three; but they are entitled to avail themselves of the law as it exists to procure a verdict of guilty upon some one or other of the counts if you are of opinion that the prisoner is guilty upon either count. Now, in reference to riot, you have been rightly told that riot consists of a tumultuous disturbance of the public peace by a number of persons assembled together, by their own authority, for an unlawful purpose, and as, from the view presented by Mr. Moriarty, I must say something to you in reference to each count of this indictment, it appears to me that the first matter which you will be obliged to consider upon this count for riot is the same matter as will arise upon the third count in reference to the disorderly following, and that is, what was the intent and object of these strikers upon that evening, in order to ascertain whether their assembling together and marching down the various streets in your city that have been mentioned was or was not a legal act. Now, as to that, the case appears to be a very simple one: Strikers have, under the Act of Parliament, the right to observe the servants of the Company in whose employment they were for the purpose of obtaining information, but not for any other purpose; they have no right to annoy, to threaten, to assault any of the servants who think proper to remain in the employment of the Company. They have no more right to follow them than they have to follow any other member of the community. Now, observe, what is the evidence that you have before you, because, in my mind, it assumes a totally different aspect having regard to the evidence that is adduced for the defendant; upon what ground, I cannot myself imagine, it assumes a wholly different aspect from that which it had at the close of the prosecution. Here are a number of men, including McSweeney, not proved by Brennan to be at the railway bridge or about the railway premises, but proved, and by his own witnesses to have been there. He is one of a crowd of nine or ten persons—nine the witnesses say, ten Brennan says, the

difference is wholly unimportant—who are there hovering about at this hour when the employees are about to leave, hovering about the Railway Company's premises, and, as proved by Brennan, when he leaves one of them says, "Here he is, boys; come along; hurry up." Now, ask yourself, do you believe Brennan? If Brennan was an untruthful witness he could have made his case twice as strong by swearing that he saw McSweeney there, as it is now proved that McSweeney was at the railway premises, or at some point nearer than this Langford Row. Seriously ask yourself are you of opinion that Brennan is or is not swearing the truth, is or is not that statement, "Here he is, boys; come along; hurry up" consistent with all the evidence that has been given by the defendant's witnesses as they, one after another, have pleaded guilty to persistently following Brennan upon that particular occasion; and witness after witness proved that these nine men walked after Brennan from the railway premises through the various streets that it had been mentioned that Brennan passed through up to the time he came to Ahern's corner. Now, you must ask yourselves, gentlemen, whether the object of these strikers was for the purpose of inducing this man, Brennan, to leave his employment. That is not a matter that depends upon evidence; it is not necessary for a witness to get into the box; I suppose you know the history of trade unions, it is part of the history of the country, and it is a matter that, during the last twenty or thirty years, has necessarily been the subject of successive statutes. You know the war that is going on almost at the present time here, that was going on for so many months in England, and you know that the object of the strikers necessarily must be to induce such a number of the employees of the Company to leave their employment as will prevent the business being carried on, because that is part of the pressure by which they are said to accomplish the object they have in hand. To a certain extent that is legal; at a certain point it becomes illegal. One of the things that make it illegal is persistently to follow one of the

existing servants of the Company, as these men have proved that crowd was persistently following Brennan on that occasion, provided that persistent following is with a view to induce him to leave his employment. As gentlemen of common sense, I would ask you to consider for what earthly object was Brennan picked out upon this particular occasion to be followed more than any other member of the community than that he was a servant of the Railway Company remaining in his employment, and what other earthly object could they have in view except to compel him by annoyance, by making him singular, to leave his employment. Then, if you are of opinion that was their object, their assembly would have been illegal; unless you are of opinion that was their object, I see no other object that would make it illegal. A riot is a tumultuous disturbance of the public peace by persons assembled together of their own authority for an illegal purpose, such as would have been the purpose they had in view, if you are of opinion that their object was to compel this man to leave his employment; and, in order to have it amount to a riot, it is necessary not only that the object should be an illegal one, but that there should be a tumultuous disturbance of the public peace. Now, as to what amounts to a tumultuous disturbance, there is no legal definition; that is left to a jury, of course, but it ought to be a serious disturbance, and the matters that are alleged to render this assemblage and this disturbance a riot are, first, the assault that is complained of, that I will have to refer you to in a few moments; (2) the booing of the crowd; (3) the throwing of the stones. You will take all these matters into consideration, and if you are of opinion that the purpose was an illegal one, within the meaning of the rule I have laid down, then you will consider whether this disturbance of the public peace was of such a character, of such a kind, as to amount to riot; and it is quite possible that you possibly may think that, having regard that, at the most, only two blows were struck by any of this striking party, and as no other injury appears to have been inflicted upon any person,

it is entirely within your province, if you wish, although you are of opinion that this is an illegal purpose for which they are assembled, it is quite within your province to say that the disturbance was not of such a serious character as to amount in law to a riot. But, as Mr. Moriarty is quite right in saying that is a matter of fact for you, and not for me. I leave it now to you, with the usual direction, that, if you have any reasonable doubt upon the subject, you will give the prisoner the benefit of it. Now, I come to the second count, which is much more easily disposed of, and one on which, as far as I am concerned, I would have been perfectly content that the case had been tried, that is, the charge of common assault. It is stated that this assault is a very small thing; no assault in a case of a trade dispute is a small thing. The law is now perfectly settled; it is only some two or three months ago since it was investigated at enormous length in the House of Lords, and I may state it to be shortly this:—Anything in the nature of violence, anything that involves assault, anything that involves injury to property, anything that involves threat of violence to person, anything that involves threat of violence to property, all that is illegal; and the very moment you have that you need not trouble yourself with intent on any of the matters I have been mentioning to you. It is only when there is no assault, when there is no injury to property, when there is no threat of injury to person, when there is no threat of injury to property, it is only then that it is necessary to bring in these refined legal doctrines in reference to strikes. But what the law does require, and does insist upon, and in England this law is carried out to the very fullest extent, and is looked upon as a matter absolutely important, so that now nearly every strike in England is conducted with the utmost legality, that there should be no assault of violence to the person, no threat. Now, come to the evidence of Brennan—Brennan says that he was assaulted by this man; he says that when they came up to him at Langford Row he did his best to treat them civilly, and not mind them, that McSweeney called

out "quick march," and said what I must take the opportunity of saying was a most impertinent thing to say, "he would see him home." Brennan put the best face on that, and said, "I think you will be wasting your time going home with me, as I can go home by myself, but I am not ashamed to be with you or you to be with me." In other words, he assumed a plucky aspect. They had not assaulted him at this time, and he said he was not ashamed or he was not afraid to be with them. They go on a little further, and Brennan swears—whether he is swearing the truth or not will be an important matter for you—he swears that upon this occasion he was assaulted by being struck by McSweeney a blow at the side of his face; I need not tell you that is an assault in point of law, and if you are of opinion that Brennan is swearing truly in reference to that, you need not trouble yourself with any of the other counts in the indictment. That amounts to an assault, and I need not explain to you once we have that assault, what is called a common law misdemeanour, you need not trouble yourselves with these particular doctrines at all. Is that true, or is it not true? First ask yourselves do you believe Brennan. That is for you; he appears to have been very peaceable up to this; he knocks a man down at a time when he is surrounded by his fellows—is that an act that is likely to have been done by a man without provocation? and, further, you have Brennan corroborated to a certain extent by the facts as they occurred at the time. You then have a body of evidence—I think three witnesses, they might have just as well have been eight, if they wished—in which they all swear that they did not see any blow given by McSweeney. To take the first of them, Hourigan, there is a very considerable reflection upon Hourigan's evidence. Do you believe Mr. Wagner? Mr. Wagner is a clerk in the Bandon Railway Company; he has not struck; he says he had a conversation with Hourigan, in which he said to him, "It is a bad case, what made you let him hit him," that is, let McSweeney hit Brennan, and then Hourigan said, in reply, "Sweeney struck him suddenly." Now, it is impossible to get out of

it, if you believe Mr. Wagner, you cannot believe Hourigan. You have, first, the evidence of Brennan, that you have to consider; you have, secondly, the fact that Brennan knocked a man down, leading to the inference that there must have been some provocation for that; you have then against that the evidence of these three witnesses, and against the evidence of one of these witnesses there is this inconsistent statement made to Wagner. That is the case upon the assault, and if you have any reasonable doubt upon the subject give the prisoner the benefit of it. Now I come to the third count, upon which I have only one word to say. As I have explained part of it to you in the preliminary observations I have made, the charge here is that the crowd, consisting of the prisoner and two or more persons—that is a matter which has been proved—followed Michael Brennan—that has been proved—in and through Anglesea Terrace and certain streets that are mentioned, which also has been proved, and then there is the one subject for your consideration—in a disorderly manner—in order to amount to an offence it must be in a disorderly manner—and the matters that I have already mentioned to you that are relied upon by the Crown to constitute this a riot, and though I have suggested to you, would not be a sufficient disturbance of the peace to amount to riot, you will have to consider the question whether the crowd was a disorderly one, but a thing that may not at all amount to riot may well amount to a disorderly crowd. Upon that subject you will take into consideration the evidence, if you believe it, of booing; take into consideration the facts of the assault, and the evidence of the stones, and then if you are of opinion that that did not constitute a disorderly crowd, that is, that they did not follow in a disorderly manner, then acquit on that third count. If you come to the conclusion it was in a disorderly manner, then ask yourselves, as I ask myself, to consider on the question of riot—what was the object? Was the object to compel this man not to continue in the employment of the Cork, Bandon and South Coast Railway Company, and if upon any of these various points I have men-

tioned you entertain any reasonable doubt, give the benefit to the prisoner, and if you don't entertain any reasonable doubt, then you will convict him ; but, I may repeat what I said at an earlier stage, that a verdict upon any one of these counts, if you come to the conclusion he is guilty, would be sufficient without going through all the other counts.

The jury then retired to consider their verdict, and, after an absence of thirty minutes, returned to court, when

The Foreman announced that there was no possibility of their agreeing to a verdict.

The jury then were discharged.

On Thursday morning, March 24th, 1898, the accused, Jeremiah McSweeney, was again put forward for trial.

As the Clerk of the Peace was about to swear a jury,

Mr. Brereton Barry, B.L., with whom was Mr. Seymour Bushe, Q.C. (instructed by Messrs. Wynne and Wynne, solicitors), on behalf of the accused, asked leave to withdraw the plea of not guilty, and pleaded guilty.

The Lord Chief Baron—That is a very proper course. Let the prisoner be put back for the present.

Timothy Galvin was then indicted with using intimidation towards a man named Forrest, with a view to compel him to cease working for the Cork, Bandon and South Coast Railway Company.

Mr. Brereton Barry (instructed by Messrs. Wynne and Wynne, solicitors), on behalf of the prisoner, said that he had advised the accused to put in a plea of guilty.

The Lord Chief Baron—Can this man give bail for his good conduct in future?

Mr. Barry—Yes, my lord.

McSweeney and Galvin having been then placed side by side in the dock,

The Lord Chief Baron, addressing them, said—You both have been properly advised to plead guilty. You, McSweeney, were tried before, and, during that trial, I made up my mind that you were guilty of a common assault upon Michael Brennan. The case would not have been serious only it was

connected with this strike; but it is absolutely necessary that the law must be vindicated. By the result of the cases that concluded last evening* the law has been vindicated, and I can now deal with you two in a way that I could not have done but for that; I will, therefore, not inflict any punishment on you. I will order that you, McSweeney, be bound to the peace, yourself in £30, and two sureties in £15 each, to keep the peace for one year. Galvin will be bound in £20, and two sureties in £10 each, to keep the peace for a like period. The usual time during which sureties are required is for a longer period than one year, but I have made the time a year in the hope that long before its expiration this unfortunate strike will be over, and there will be no necessity for such sureties. The prisoners can now be discharged, to attend at the Police Office within a week, then to enter into the required sureties.

The prisoners were then discharged.

THE RECORDER'S DECISION ON APPEAL.

His Honor the Recorder of Cork delivered judgment on Saturday, 23rd April, in an appeal case recently heard at the Borough Sessions, arising out of the strike on the Cork, Bandon and South Coast Railway. The appellant was Robert Devlin, who had been employed as signalman at the cabin at the Cork Terminus. He went on strike, in conjunction with the other men, and was prosecuted by the Railway Company at the Police Office for having by his action impeded the free passage of engines, carriages, and trains, endangered human life, and exposed valuable property to destruction or serious injury. The case was fought out at great length at the Police Court. Mr. G. Lawrence, B.L. (instructed by Mr. A. H. Julian, solicitor), appeared for the Company, and Mr. T. O'Shaughnessy, Q.C. (instructed by

* The attack upon the military recruits, *ex* SS. "Innisfallen."

Dr. H. A. Wynne, solicitor), appeared for the defendant. The magistrates held the case proved, and imposed a sentence of two months, without the option of a fine. Against this sentence the defendant appealed.

His Honor, in announcing his decision, said the case came before him for judicial judgment on an appeal from the decision of the magistrates sitting in the Borough Court on the 16th of last February by which the appellant was sentenced to two months' imprisonment. The grounds stated for the appeal were:—(1) That the order had been made against the evidence; (2) that it was against the weight of evidence; (3) that it was made without jurisdiction. He had, therefore, three questions to decide—first, had the justices jurisdiction to make the order; second, if they had, did they decide against the evidence or the weight of evidence; and, third, if the decision was supported by evidence, was the punishment excessive or not. Having regard to the facts that had been proved, and the arguments that had been addressed to him by very eminent counsel, it was, he thought, right that he should state the grounds of his ruling. To do so it was necessary to recall the facts of the case as they had been proved. They were as follows:—The appellant, on the 24th of January last was, and for a long time previously had been, in the service of the Cork, Bandon and South Coast Railway Company. In January last he was a signalman at the Cork Terminus, an office of much trust and responsibility. On entering the service of the Company he, like all the others, had agreed to a certain code of rules laid down by the Company; in fact, he signed a copy of the rules, which was a contract entered into between him and the Company. His Honor then quoted Rules 205 and 207 of the code, the former of which reserved the right to the Company to punish any servant with immediate dismissal for insubordination, disobedience of orders, negligence, or incivility, absence from duty without leave, or any other misconduct; and the 207th Rule provided that no officer or servant was allowed to quit the Company's service without giving notice as follows:—All persons paid monthly, one month's notice; those paid

fortnightly, a fortnight's notice; and those paid weekly, a week's notice. Those, continued his Honor, were reasonable and fair rules, such as were absolutely necessary for maintaining that discipline without which no large establishment—certainly no railway—could be worked. Such was the relationship existing between the Company and the appellant when these unfortunate circumstances occurred. It would appear from the evidence brought before His Honor that some months since—he thought in November last—the men employed by the Company found fault with the terms of their service. He did not know the grounds of complaint. The men, as they had a perfect right to do, laid their complaint before the Directors; but to do so some elected individuals were put forward as spokesmen. It would appear that one of these was a man named Buckley. As to what was the exact result of that proceeding he had no evidence or knowledge. Things seemed to go on as usual until last Jaunary. In Jaunary the man, Buckley, was removed, by order of the Directors, from Cork Terminus to some country station; his Honor had not the exact date of his removal. It would appear from the evidence that immediately several of the men employed by the Company must have come to the conclusion that Buckley's removal to the country station was in consequence of the active part he had taken in the proceedings of November, for they then took a most ill-advised and most unfortunate action—an action that at once put them in the wrong. On Saturday, the 22nd of January, some thirty-nine or forty of the men, of whom the appellant was one, signed the following document. His Honor then read the men's letter to the Directors notifying their intention to cease work on the following Monday at twelve o'clock, unless their demand for the reinstatement of Signalman Michael Buckley in Cork cabin was acceded to, as the circumstances did not justify the punishment meted out to him, and that it was the men's opinion that his transfer was due to the active part he had taken in the recent movement for the improvement of their conditions of service; that they considered it their duty to defend him by every means in their power, as

they felt sure that that was only the commencement of a system of victimising. The terms of that document his Honor might have, further on, to call attention to. At 6.15 o'clock on Saturday that document was handed to one of the clerks, Mr. Henry, who took it to Mr. Croker, the Company's Manager. So they now had this state of affairs. These men put their own construction on Buckley's removal—a construction now proved to be wrong—and thereupon they expressed determination to break their contract with their employers, because all were bound by the Company's rules, and to leave the employment at twelve o'clock on Monday, unless their demands were complied with. It was in evidence, and was before the justices, that at once, upon the receipt of that document, Mr. Croker sent an answer to the men, stating that he had received the memorandum addressed to the Directors giving notice of the fact that they would cease work on Monday, and that the men must know the Directors would not be there in the ordinary course until Wednesday, and that he had no way of consulting them; that the men must be aware that their contemplated action was illegal, and if they threw up their work they would have to take the consequences. Nothing, continued his Honor, could possibly be more wise or prudent than that. Mr. Croker called the men's attention not only to the illegality of their action, but to their unreasonableness. It was proved that Mr. Croker as soon as possible on that Saturday evening saw the Chairman of the Company, who told him he would bring the matter before the Directors on Wednesday, and Mr. Croker, on that Saturday evening, communicated the result of his interview with the Chairman to the men's representatives. For himself, his Honor did not see what more could or ought have been done. Monday morning came, Mr. Croker, seeing that this most ill-advised action on the part of the men was being persevered in, drew up a cautionary notice, which he handed to them. Having read the notice alluded to, his Honor said he again had no hesitation in saying that, in his opinion, Mr. Croker showed himself the men's friend. It was much

to be regretted that they had not followed his advice. The men had a perfect legal right to go on strike; it was their right, but that legal right should be legally exercised. They were under the necessity of giving a week's notice. Mr. Croker called their attention to that reality. Had they only listened to his advice they would have learned the facts proved on that appeal, and on which they were misinformed. First, that the man, Buckley, had not been removed from Cork for the reason alleged by them, and, secondly, that his being changed did not involve a diminution in his pay. Unfortunately, other advice prevailed, and at twelve o'clock on Monday Devlin and the others left their employment. It was necessary for him to consider what the appellant's position was. He was on duty as signalman in Cork. His term of duty would not expire until one o'clock. What was laid down in his contract with his employers? what did he undertake to do? and what was he bound in law to do? All that was in Rule 250, that he signed. His Honor then read the rule which forbids a signalman leaving his cabin, and binds him to give all information to the man who succeeds him as to what had occurred during his term of duty. Where, asked his Honor, was the man who relieved Devlin to get that information? There was his contract, laid down as clearly as the English language could lay it down. If ever there was an occasion on which it should be carried out it was on such an occasion, when the whole working of the line was about to be paralysed by the men's action. When twelve o'clock came, the appellant walked out of his signal box, having fixed his signals at "danger." It was argued that the putting on of that signal relieved him from the consequences. His Honor could not agree with that argument. The appellant handed up his keys to Mr. Kerr, and such were the circumstances that led up to that case. These men left their positions, after kindly and good advice, and, as far as they could, they paralysed the working of an important line, to the inconvenience of the public. The Directors found themselves face to face with a serious difficulty caused by illegal

insubordination. A most serious responsibility was cast upon them. They looked upon the action of their servants as not only illegal, but subversive of discipline. For that they instituted legal proceedings. A summons was served on the appellant to answer the complaint that, being employed as a signalman, he wilfully did an act whereby the passage of engines, carriages, and trains was impeded; that he had broken his contract of service, and that he quitted his cabin when he should be there, so as to work the signal points and switches. That summons came on for hearing in the Borough Court. The justices, on the 16th February, sentenced him to two months' imprisonment, which was the subject of that appeal. His Honor had already stated the grounds of appeal, and with that appeal he had now to deal. The first question was as to jurisdiction. The complaint was brought under the 13th section, 3 and 4 Vic., chap. 97, which was enlarged by the 17th section, 5 and 6 Vic., chap. 55. By that statute it was enacted that it should be lawful for any officer or railway Company, or such persons as they might call to their assistance, to arrest any engine driver, guard, porter, or servant of the Company, who wilfully omitted to do any act whereby the passage of engines, carriages, or trains might be impeded, and convey such persons so offending, or any person counselling, aiding, or assisting in such offence, before some Justice of the Peace of the place in which offence is committed, without any other warrant. It had been argued before him that the justices acted without jurisdiction, because the railway authorities did not arrest the appellant upon breaking his contract, and did not bring him before a justice; in other words, that such an arrest is a precedent to the justice having power to inflict punishment. Having carefully considered the matter, his Honor was unable to take that view. It struck him from the heading of the section that it did three things—It specified certain things should be legal offences; it gave railway authorities power to arrest not only those offending, but those counselling, aiding, or assisting such offence, and it gave every

Justice of the Peace jurisdiction to try every such case summarily. The question was, did the jurisdiction flow from the committing of the offence, or must the defendant be brought before the justice in a certain manner. Clearly the offence was distinct in itself; the arrest was the possible result or consequence of the offence. The statute went on to enact that every person so offending, and every person counselling or aiding in the offence, should, when convicted, be subject to the prescribed punishment. It did not say the person so offending "and" arrested. That was his reading of the section, and it was his duty to judicially find that the justices had jurisdiction. The next question was, had they evidence before them. In his opinion, there was before the justices and before himself convincing evidence that the appelant had broken his contract of service, and that such breach not only might have impeded the passage of carriages and engines, but, as a fact, it actually did so; and that putting up of the danger signal stopping same would not do, and it was his duty to judicially determine that the order of the justices was supported by, and in accordance with, the evidence. He had one more question to dispose of, and that was the punishment that ought to be awarded. The offence of which the appellant was convicted was a very serious one. The appellant had a perfect right, if he thought fit, to leave the service, and to go with the other employees upon what was called strike. That was their perfect right, but no man could give a man the right to break the law, as the appellant had done. By his own free bargain he was bound to give a week's notice, and it was nonsense to think that a man holding such a responsible position could, at 6.30 o'clock on Saturday evening, send notice to his Directors to leave the service at twelve o'clock on the following Monday, unless, in the meantime, a previous order of the Board removing a man from a station should be rescinded. His Honor could not understand how sensible men could be induced to take such a step that put them at once in the wrong, no matter how well founded their original cause of

complaint might have been. In that case the complaint had been proved, and the consequences of such illegal action were so serious—endangering life and limb, and property—that it was obvious the punishment should be severe. He wished it to be distinctly understood in shortening the imprisonment in that case that he was not expressing even the slightest disapproval of the sentence of the justices; his opinion was quite the contrary. He, however, had some facts in that case that were not before the magistrates. The appellant had received a singularly high character, and it also appeared that the night of the Sunday before he left his son had been fatally ill, and died the next day. He had been told that the appellant had not any rest the previous night, and his mind was so unsettled when the critical time —twelve o'clock—approached, that he could not calmly consider his position. It was urged that his Honor should substitute a fine for imprisonment. It was also said that the fine would be paid, not by the appellant but by others. The case was too serious for him to allow the appellant go scot free. He went as far as he could—he, perhaps, went too far—in shortening the sentence to fourteen days. He repeated that that punishment was on the individual case.

Dr. Wynne asked his Honor to state a case for the superior courts.

His Honor said he would not do so.

Several letters appeared in the papers about the strike, the most able of the lot being from—is is believed—the pen of Mr. F. Maddison, M.P. for the Brightside division of Sheffield, and until recently editor of the "Railway Review." Writing in the March number of the "Labour Co-Partnership" he said:—"It is most regrettable that the strike on the Cork and Bandon Railway still continues, especially as the men have from the first expressed their willingness to submit the matter to arbitration. To all appearances, however, the company have the best of the fight, and, as we think wisely, there does not appear to be any likelihood of the area of the dispute extending. Nevertheless, things go on just as though the men were certain of success. Immense meetings are held, platform rhetoric flows in copious volumes, and all the outward signs in this direction point to a victory for the union. But are these trustworthy indications of the real situation? What throws a doubt upon them is a sentence like this, reported as an utterance of the temporary chief official of the A. S. R. S. on the spot:—'He was happy to say that the organisation was such a powerful one that it was quite competent to fight the battle with the Cork and Bandon directors for as many years as the directors wished to carry it out.' Such language as this must create serious misgivings in the minds of thousands of thoughtful members of the A. S. R. S. To talk about keeping railway men for years on strike may be excused as a flight of imagination of an irresponsible orator, but in the mouth of a leader, with the rules of the society before him, and public opinion to be considered, it can only be described as most injurious to the cause of the men.

"Startled by the statement that the men on this line were only getting 12s. per week, it was determined to ask Mr. Croker, the general manager, for an official statement, which he has kindly furnished as follows:—Drivers, day mails, 49s. and 50s. 6d.; night mails, 49s.; goods, 35s. to

Displacement of the Rails at Frankfield, between Cork and Waterfall.
(Full View.)

Displacement of the Rails at Frankfield, between Cork and Waterfall.
(As seen from the Curve.)

45s.; ballast, 30s.; shunting, 25s.; branch lines, 37s. 6d. and 40s.; firemen, day mails, 23s. 4d.; night mails, 23s. 4d.; goods, 18s.; ballast, 16s.; shunting, 14s.; branch lines, 22s. 2d. Drivers and firemen on ordinary main line trains are paid the same as on mail trains. Guards—main line passenger, 24s.; assistant, 18s.; branch, 20s.; goods, 21s.; signalmen, Cork (8 hours box, 3 men), 21s.; country stations, 14s., 15s. and 16s.; goods porters, Cork, foremen, 20s., 22s. 6d. and 32s.; Cork shunters, 20s.; Cork ordinary porter, 17s.; platform porters, Cork, foremen, 20s.; Cork ordinary, 14s. and 15s.; country foremen, 15s.; ordinary, 12s. Mr. Croker points out that the general pay to labourers in the districts through which a great portion of the line runs is as low as 10s. per week for constant employment. It is, unfortunately, too true that railways which have agricultural districts as recruiting grounds often induce young fellows to come to large towns for miserable wages. Anyhow, with this official wage list before them, our readers will be able to form their own conclusions of one aspect of this unfortunate dispute."

On the 20th March a deliberate attempt was made to wreck the morning mail from Cork. At the commencement of the strike the three o'clock mail train to the west was discontinued, or rather delayed until 6 a.m. Upon the morning in question this train, with a fair complement of passengers, started from the terminus, at time named, and when near Frankfield, midway between Cork and the first station, two fog signals were exploded in rapid succession, and on bringing the train to a standstill, the engine driver was met by a police constable, who informed him not to proceed, that the permanent way had been interfered with, and that a length of rail had been detached and placed in such a position as to run the train off the rails and send it into a deep hollow on the side of the line. The fireman and guard immediately proceeded with the constable to the spot indicated, and one look at the alteration in the state of the permanent way enabled them to come to the conclusion that

it was made with the purpose of wrecking the train, and the person or persons who did the work had some knowledge of plate-laying and permanent way work. They saw that the fishplates of one of the rails on a curve had been removed, and the rail fixed in such a position as to catch the flanges of the wheels of the engine, the result being that it would run off in a tangent into a hollow at the side of the line, which is rather steep. Seeing that it would be impossible to proceed further, the train was brought back to Cork, and the matter reported to the police, and some constables proceeded to the scene of the outrage. In a field close by to where the rail was tampered with the missing fishplates and bolts were found, and on further examination it was discovered that the rail opposite to the one removed was lifted from the sleepers to a height of four inches, thereby increasing the danger. Underneath the remaining rail were found some tools used by the workmen on the permanent way, and for some time their presence was a puzzle to those engaged in inquiring into the affair; but in a short time the mystery was cleared up, for it transpired that a tool box used by the permanent way gang, near Waterfall, had been broken open, and that a number of tools had been extracted. From the commencement of the strike it was found necessary for various reasons to have a strict watch kept over the line, and with this object in view the various sections of it were looked after by police patrols, who were supplied with fog signals for use in case of necessity. The wisdom of this move can be best realised when it is explained that it was with the fog signals so provided that the constable by his prompt action in discovering the outrage whilst on patrol duty, brought the train to a standstill, and averted what would certainly have been an awful accident, and, beyond all doubt, would be attended with loss of life.

About this time the Mayor of Cork had several interviews with me to try and effect a settlement, and these overtures having reached such a stage that it was necessary for the

Directors to see him, a meeting was accordingly arranged. At this meeting it was pointed out to him that the Directors had made an offer to the men at the latter end of January, which was absolutely refused, and that all vacancies had since been filled up, with the exception of those in the Permanent Way Department; that all the Company could now do would be to register the men's names as applicants for reinstatement, giving preference to suitable old servants as vacancies might arise. The Mayor stated that he would try and get the men to come back upon these terms, and enquired whether, if he succeeded, the Company would give an assurance that they did not intend to press any further prosecutions. The Directors did so, and also informed him that any men taken back would only receive the wages formerly in force for whatever positions they might be put in, and that on no account would the Board re-employ Buckley (late signalman) in any position. And further, that they would require an undertaking from any old servants who might be re-employed, that they would not in any way interfere with any of the new hands who chose to remain in the Company's service. The Mayor wrote me next day to say he had been with Mr. Tevenan, but could not succeed in getting him to listen to reason—the fact is the men were longing to return, but the Irish Secretary and the Strike Committee were averse to their doing so, unless, as Mr. Tevenan reported to head-quarters, per his letter in "Railway Review" of 18th March, "the settlement provided for Buckley's reinstatement, a total clearing out of the blacklegs, and the reinstatement of every man on strike." A month later, upon the 18th of April, the R. C. Bishop of Cork called upon me, stating he was requested by the men to do so. He suggested the Company buying out the new hands, and thereby allow the old servants back. I told him the conditions upon which the former joined the service, and suggesting his seeing the Directors, at the same time reading for him the Board minute relative to the Mayor's visit. He appeared pleased at the idea of seeing the Directors, and the next Board day

Dunmanway Station.

having been fixed for the purpose he stated his views, and the Chairman stated the Directors', and, according to request, they subsequently wrote him as follows:—

"20th April, 1898

The Most Rev. T. A. O'Callaghan, Bishop of Cork,
The Palace, Cork.

My Lord—Referring to your lordship's interview with my Board this day, I am instructed to write as requested.

My Directors appreciate your lordship's interest in the Company's former servants who are out of employment, but it must be evident that the Company cannot, with any sense of honour or justice, break faith with the men who came to them in their difficulties, and under no circumstances will they part with any of those men as long as they fulfil their duties and conduct themselves properly.

My Board are, however, still willing to fill up from their former employees vacancies in the staff as they may occur from time to time. At the present moment, in view of the requirements of the summer traffic, room could be found for some ten or twelve men in the Traffic Department, and there are still some vacancies in the Permanent Way Department.

I am to add that the Company will not take back into their employment ex-Signalman Buckley, who has been the cause of all the trouble, which has resulted so disastrously for the men.

"I am, your lordship's obedient servant,
R. H. LESLIE, Secretary."

The Bishop sent a copy of the foregoing to the men, and seeing their position was getting desperate, they formed a Committee, and upon the 2nd May they wrote direct to the Directors thus:—"We beg respectfully to say that a deputation of the men now on strike have been appointed to wait upon you, at your convenience, with the object of learning the terms upon which the Board will settle the dispute.

Enclosed please find the names of the men appointed, and we await an early reply." From the wording of the foregoing one would imagine they had never heard the "terms upon which the Board would settle the dispute." Those terms had been made clear months before, they were reiterated to the Mayor early in March, when he was trying his level best to get the Irish Organiser to listen to common sense, and not bring utter ruination upon the men; and, later still, they were repeated to the Bishop, but evidently they had either been kept from the men, or someone leading the strike persuaded them not to heed same; however, they were now entitled to an answer to their communication, and the secretary wrote them thus:—"I am directed to acknowledge receipt of your letter of 2nd instant, and to inform you that the terms on which my Board would take back into the Company's service the men on strike have been already communicated to them by his lordship, the Most Rev. T. A. O'Callaghan, Bishop of Cork, from which my Directors will not deviate."

The men now saw—alas, when it was too late—that they had been deceived, that all the boasting of the Amalgamated Society for months was not merely idle talk, but that it had brought ruination and sorrow to many a household, so they gladly yielded to the advice of the Mayor of Cork, who presided over a meeting of representatives of public bodies held in the Municipal Buildings, Cork, 12th May, when it was, with the urgent desire of the men, unanimously resolved that:—"We respectfully urge on the Directors of the line the desirability of carrying out as speedily as can be arranged the offer already made by them to fill up existing vacancies by taking back their old employees, and similarly filling up other vacancies as they may arise."

The contest cost the Company a good deal, but they at least had something for their money. They succeeded, as they deserved to, for from the outset they had right on their side. The cost to the Amalgamated Society must have been very heavy. Not counting the large sums paid by them

in law costs, the strike pay probably came to £300 per week for fifteen weeks, equal to £4,500; but that is not all, for when all the men the Company can find employment for are taken on there will be about two hundred railway servants out in the cold. What is to become of these? No doubt the Amalgamated Society of Railway Servants is bound to provide for them in some way. According to their rules they are obliged to continue to pay them something until they succeed in finding them suitable employment, and, failing this, are obliged to pay them £50 a piece compensation; therefore about £15,000 is not too high a figure to set down as the cost of this wretched strike to the men's organisation. It would have been dear, even if they gained everything for which they contended.

The Amalgamated Society in their annual report for the year 1897 say the "Protection Fund expenditure came to £9,443 2s. 11d., being an increase of £6,914 9s. 8d." over year 1896, and they further add, "the great increase in this fund was caused by the North Eastern Railway strike in February, costs of the arbitration proceedings and the several grade conferences held in Birmingham during the year, and the National movement generally." It will be interesting to see how they will explain almost double this sum for the current year in connection with the Cork, Bandon and South Coast strike, which was brought about by the precipitate and ill judged action of their officials.

The new hands the Company received, including those from the Free Labour Protection Association, London, were, on the whole, a respectable and well conducted lot of fellows; a great number of them came to stay, and they have since brought over their families. The married men stationed in Cork, in the course of time procured houses in the vicinity of the terminus, and they lodged other members of the staff who were not so fortunate. During the time they were lodged by the Company in the barracks fitted up for them in Cork and Bandon they spent their evenings acting, singing, and giving con-

Bantry Station.

certs; a number of the men were very musical, and almost every musical instrument that could be thought of was hired out to them, even including a piano.

A peculiar and fortunate feature in connection with the men was their almost absolute immunity from accidents. Their honesty could not have been better proved than by the fact that not a single claim was made upon the Company for either goods or parcels stolen or missing during the four months the staff were quartered at Cork. The Company took the best possible care of them; they engaged a cook from London for the Cork men, with an assistant chosen from the staff, and they had as comfortable a breakfast, dinner, and tea—with supper for those doing late duty—as anyone would care to partake of. There was also a cook to look after the requirements of the staff quartered in Bandon, and there, too, everything was done as it should be.

While thus referring to the new hands I endorse in its entirety the following editorial remarks of the editor of "The "Eagle" :—

"We cannot speak too strongly or too highly, first of the employees who so pluckily remained at their posts, and, secondly, of the extraordinary, nay, almost superhuman efforts made by the stationmasters and the clerks under them, as well as the clerks in the head office, to meet the terrible emergency. We feel we are not going too far in saying that not only the public owe them a debt of gratitude which cannot be easily paid, for had they not worked so cheerfully the management would never have been able to hold out, but the Directors can never be unmindful of the aid so cheerfully and so effectively rendered. In fact, only for them the line would, in all probability, have been closed, for, under no circumstances, could those in charge of the railway have yielded to the unreasonable demands of the men."

The strike, amongst other things, taught the important lesson of having as many crossing places as possible upon a single line of railway, where, during a strike, a daylight service and slow running are essential. The Bandon Com-

pany, whose road is all single, would never have been able to keep up the service they did only for the number of new stations built by them within the past six years, all of which were made suitable for crossing purposes, and which, with the electric train staff, practically makes the line equal to those systems who have a double track.

CHAPTER II.—ENGLAND.

The threatened strike on the great Railway systems alluded to in the opening lines of Chapter I. remained up to November, 1896, a threatened strike still. It was alleged that the London and North Western Company dismissed upwards of 50 of their employes, not as had been represented because they belonged to a Trade Union, but because they were disaffected. According to "Transport," a leading official at Euston said:—

"We have simply taken the course any business men would have taken in our position. You know as well as I do that there have been persistent rumours as to the probability of a strike on the part of a considerable number of our railway men. To avoid a wholesale dislocation of traffic we determined to part with those men who were disaffected. We did not dismiss them because they were trade unionists, but because we prefer not to keep a class of disaffected men, who might at any time strike and cause the Company and the public the most serious inconvenience. The Company," the Official added, "is always willing to consider the grievances of their men. In this instance the men did not approach the Company themselves through the usual channel of their own representatives. If they had done so we should have given the most careful consideration to their grievances."

Mr. Harford stated that if these men were not reinstated there would be a strike. Steps were taken by the Board of Trade to prevent such. Mr. Harrison, in accordance with a request addressed to him by that department on 9th December, 1896, saw Mr. Ritchie following morning. Subsequently Mr. Ritchie saw Mr. Harrison, and also Mr. Harford, with the result that Mr. Garnham Roper, on behalf

of the President of the Board of Trade, wrote both Mr. Harrison, the General Manager of the London and North Western Railway, and to Mr. Harford, the General Secretary of the Amalgamated Society of Railway Servants, setting forth the following agreement between the parties:—

1.—Mr. Harford states that no strike was intended, and repudiates responsibility for anything which has appeared to the effect that a strike was intended, but admits that the London and North Western Railway Company had good ground for assuming that there would be a strike.

2.—Under these circumstances the Company will reinstate the men who have been dismissed under the impression that a strike had been resolved on.

3.—The Company will receive and consider any representations which their employes desire to place before them, and are willing to have a personal conference with them should they feel themselves unable to give a favourable reply to the representations.

4.—No hostile action will be taken on either side pending the proposed negotiations.

Thus the quarrel between the Company and its servants terminated, respecting which "Transport" said:—"What was really intended does not seem quite clear. All that can be said is, if no suggestion of force was implied in the communications which emanated from Mr. Harford, the Secretary of the Amalgamated Society of Railway Servants, the language chosen was singularly unfortunate, for most certainly it could bear no other construction."

Following this incident a very serious, and unjustifiable strike occurred on the North Eastern Railway, which was explained by Mr. George S. Gibb, that Company's General Manager, who wrote thus:—

"The checkers employed at the goods warehouses at several stations on the Company's system asked, some months ago, for an advance in wages. Hitherto, the checkers at some warehouses, including the Forth Goods Warehouse, although they are practically in the grade of foremen,

have been paid for overtime. At the Forth Warehouse, the checkers have generally worked 60 hours per week, and as the hours recognised there as covered by the weekly wage are 54 per week on the day shift, the checkers have received overtime pay for the extra hours worked

"As a result of the consideration given by the Company to the requests of the checkers at Newcastle for an improvement of their conditions of service, an offer was made to them that their position and responsibility should be recognised by an advance of wages, and an adoption of the rules as to sick pay, holidays, &c., applicable to foremen, coupled with the abolition of overtime pay. The acceptance of this offer was left entirely to the voluntary choice of the men concerned, and there was not even any intention, on the Company's part, to impose it on individuals who preferred to receive overtime pay. A considerable number of the checkers at the Forth Warehouse accepted the proposal, and were satisfied."

On Thursday, 1st February, 1897, Mr. Wilson, the district Goods Manager at Newcastle, received from Mr. Bell, the then branch Secretary at Newcastle of the Amalgamated Society of Railway Servants, a letter, embodying a resolution passed by the rullymen and warehousemen of Newcastle, Gateshead, and Sunderland, declaring that they would cease working overtime and Sunday duty on and from Saturday, until such time as the Company's proposals regarding checkers were withdrawn, and the programme in its entirety was conceded. With respect to the communication, Mr. Gibb observes:—

"This letter was the first intimation which the Company received that there was any objection entertained by any men to the proposals regarding the checkers, which merely amounted to the adoption at Newcastle and some other places of the practice which has for many years been in operation at most of the goods warehouses on the Company's system. Inasmuch as a number of the checkers themselves were satisfied, and the concessions made to them did not,

in regard to hours or wages, or in any other way, affect the rullymen and warehousemen named in the above resolution, Mr. Weston informed the deputation who waited upon him in accordance therewith, that interference on the part of the rullymen with the arrangement for granting an upstanding wage to those of the checkers who wished to accept the Company's proposal could not be recognised. Mr. Wilson also informed the deputation that if any men carried out the threat contained in the resolution, and refused to perform their work, they would be at once suspended."

On Saturday seven rullymen, whose duty it was to deliver vegetables and other perishable goods to the Newcastle market, refused to perform the work, which was of exactly the same nature as they have performed for many years, and they were consequently suspended. A strike among the warehousemen at the goods warehouses then took place. The reference in the resolution to the programme in its entirety referred to a general printed programme for improved conditions of service for rullymen, horsekeepers, stablemen, checkers, loaders, goods porters, capstanmen, and checker lads, employed by the Company at Forth, Trafalgar, Quayside, Gateshead, and Sunderland. This programme asked for a reduction to nine hours per day of the rullymen's hours, which were sixty hours per week, and advances of pay for rullymen and other grades of men named in the programme. These requests were considered, and the concessions made by the Company were announced.

The men having struck without notice alienated from themselves every particle of public sympathy, and left themselves open to imprisonment and fine. One leading paper wrote thus:—

"Here is 'intellectual and moral deterioration' with a vengeance. There is a feeling in Newcastle that the action of the men was not done on the impulse of the moment; that it was, in short, a carefully concocted scheme on the part of persons who seem to be little better than sharpers to dislocate the business of the Company. It certainly looks

as if the whole affair were a put-up job to exhort unreasonable demands from the Company. The men have since the commencement of the strike held meetings in various parts of the district daily, but they have signally failed to convince the public of the justice of their cause, and no wonder. Yet the man Bell, the Secretary of the Amalgamated Society, has the audacity to send out a manifesto full of hypocritical claptrap in which he talks about 'our righteous cause,' a 'state of affairs of the most inspiring kind,' and 'victory already assured.'

"Not only was the strike a flagrant breach of contract with the North Eastern, but it was a gross infraction of the Amalgamated Society's own rules. These rules distinctly assert and imply that a strike shall not be resorted to until employers have been invited and have refused to assent to arbitration, until the circumstances of the dispute have been examined by the Executive Committee, and until the men have expressed their opinion by ballot as to whether there shall be a stoppage of work or not. Before going to Newcastle on Wednesday, Mr. Harford, the Secretary of the organisation, admitted this, and declared that the strike was premature; that it was disapproved of by the executive, and that if persisted in the men must carry on the battle at their own expense. He appears to have changed his views, however, in the course of the evening. At a large meeting of railway men at the Newcastle Town Hall he made a speech which showed how clearly his mind had been influenced by the local agitators. When he found the sense of the meeting opposed to a resumption of work he threw the rules of the Society overboard, and announced that the whole of the unionists would be ordered out. Nothing could be fairer than the offer made by Mr. Gibb to reinstate the men should they return to work at once, and afterwards discuss their grievances with them. Instead of that Mr. Harford preferred to dislocate business by ordering out railway workers of all kinds on the North Eastern system."

Mr. Gibb worked hard to get the men to return to their work, but in doing so he either invoked the aid of Mr. Harford, or he did not reject his overtures, for upon the advice of Mr. Harford, who addressed a mass meeting in the Newcastle Town Hall, the men returned to work upon the following terms—which were signed by Mr. Gibb and Mr. Harford, and with them there was a notification that the Directors would meet the parties concerned in a week—They provided:—

1.—The Company decline to enter upon any discussion of any matter whilst the men are on strike.

2.—Mr. Gibb's letter of 23rd February to Mr. Bell states the Company's attitude as to the reinstatement of the men, and the men undertake to return to their work at once.

3.—After the men have returned to work, Mr. Gibb is willing to meet Mr. Harford to discuss the complaints of the men employed at the Forth Goods Warehouse, which led to the strike, including the question about the checkers.

4.—The Company will withdraw the prosecutions which have been commenced against the men for leaving the service without notice, and each man's wages earned prior to the day on which he left work will be paid.

5.—With a view to remove any risk of misunderstanding, the Company state that their practice is to afford opportunities for conferences between the directors or officers of the Company and the men about any subjects of importance, and this enables the men to obtain any further discussion which they may desire on the programmes that have been put forward.

It would appear this was a very boisterous meeting, and when Mr. Harford read out the conditions, paragraph by paragraph, they were received with loud cries of "No, no," but he changed their tune.

The conference was held under the presidency of Sir Joseph Pease, Bart., M.P., the chairman of the Company, and the other directors present were Sir William Grey, Sir James Joicey, Bart., M.P.; Sir James Laing, Sir James

Kitson, Mr. W. B. Richardson, Mr. J. W. Pease, Mr. H. Tennant, Mr. F. R. Pease, Mr. H. T. Morton, Mr. J. Cleghorn, and Mr. Lindsay Wood. The deputation, which was headed by Mr. Edward Harford, consisted of thirty-eight representatives of the employes from the principal centres on the North Eastern system. The first question raised was that of the "casuals," that is, the men who received temporary employment at the Forth goods yard. These men, and certain firemen and cleaners, it was alleged, had not been reinstated in accordance with the terms of the settlement. The question was discussed at great length, one or two members of the deputation going so far as to declare that some of the men had been victimised through not being allowed to return to the same position as before the strike. With regard to the casuals, Mr. Gibb explained that at the time of the strike a number of additional permanent men had been engaged, and it was made clear to the representatives of the men before the recent agreement was signed that these men would lessen the work of the casuals. The casuals would again be employed to supplement the work of the permanent men as the work increased, and they would be taken on as permanent hands when vacancies arose.

It was also alleged that the locomotive men had not been treated quite as they expected to be under the terms of the settlement, but Mr. Gibb announced that the matter would be inquired into, and if any proper ground of complaint existed it would be removed. This assurance elicited from Mr. Harford the opinion that they might leave the subject and proceed to the consideration of the programme. A series of proposals had been formulated by the men. These proposals covered a wide field. For instance, there were the wages of the rullymen, horsekeepers, &c., employed at the Forth, Trafalgar, Quayside, Gateshead, and Sunderland yards, whose work was described as of a laborious and responsible character, and whose pay was less than that of other men employed in similar capacities,

but without the responsibility of the collection of money. Then there was the case of the checkers, who wished for the abolition of the 60 hours' system, and to return to the former method. Mr. Gibb explained that the checkers at Forth had the option of adopting the upstanding wage or of remaining as they were, and that the men could return to the old method if they pleased. Mr. Harford admitted that in that case he failed to see any grievance. After this came the claims of the loaders, goods porters, capstanmen and the checker lads, and the later on those of the locomotive engine drivers, firemen, cleaners, and signalmen, especially at the more important stations and junctions—all seeking either higher wages or reduced hours of labour.

During the discussion it was made perfectly plain that very considerable concessions had already been made, and that between 900 and 1,000 signalmen had received advances ranging from 1s. to 2s. 10d. per week. It was urged by the men that twelve hours shift should be abolished; and that a large number of additional signal cabins should be made eight hours' cabins, the responsibility having increased. For the platelayers greater consideration was asked, and on behalf of the passenger staff it was urged that ten consecutive hours should be deemed a day's work; that Sunday duty should be paid for at the rate of time and a half, night duty at time and a quarter, and that better conditions and higher pay should be accorded to shunters, parcels office van men, porters, and others of the passenger staff. All classes and conditions of men seemed to want something, telegraph gangmen, for example, were in quest of overtime; mineral pilot guards and shunters looking for wages based on a higher standard; electric light men at Tyne Dock seeking higher remuneration. At the end of it all the directors retired for consultation, and upon their return Sir Joseph Pease intimated that the demands that the men had made upon them were very large—probably larger than some of them thought. They were sorry the deputation had so much minimised the large concessions which

had been recently given, and which really involved a very considerable revenue. Sir Joseph added that a reply would be given in about a week, regarding the various proposals, and as to the different grievances referred to, they would be inquired into.

The Board could not agree to the demands made by the men, and which were characterised by Sir Joseph Pease as "enormous," and the following is their minute in full:—

MINUTE OF THE BOARD OF DIRECTORS OF THE NORTH EASTERN RAILWAY COMPANY IN REPLY TO REPRESENTATIONS FROM A DEPUTATION OF THE COMPANY'S STAFF RECEIVED BY THE BOARD AT YORK ON FRIDAY, THE 12TH MARCH, 1897.

The Directors have given careful consideration to the proposals submitted to them at the Conference at York, on the 12th March, 1897, by the deputation of men representing members of the Amalgamated Society of Railway Servants in the service of the North Eastern Railway Company.

The proposals submitted are, in the main, for increased wages, for reduced working hours, and for increased rates of Sunday and overtime pay.

Those who framed these proposals cannot have possessed the materials for making an estimate of the total cost of the demands made, and the Directors think it right, in the first place, to inform the staff concerned that the cost of the changes in wages, hours, and conditions, which have been proposed, would amount to about £380,000 per annum. This statement will, of itself convince the staff that it is absolutely impossible for the Board to grant the demands put forward.

It must be evident that an increase of the charges to the public, and an increase of traffic are the only scources from which any addition to the wage bill of the Company can be provided. In regard to charges, the Directors would be most reluctant to attempt any general increase. The industries in the North Eastern districts have to face

severe competition with other localities and with foreign countries, and anything which tended to raise the cost of production and distribution would injuriously affect both the prosperity of trade and the employment of labour in the district. As to increase of traffic, an addition of £380,000 per annum to the revenue expenditure would require, in order to meet it, an immediate increase of about double that amount in the gross receipts. Any hope of such an increase is, of course, out of the question.

In giving their decision on the proposals submitted to them, the Directors wish to state clearly their position in regard to the principle on which the wages and hours of the various grades of the staff are, and must from time to time, be fixed. This position may be shortly stated to be that the Company can only pay a fair week's wage for a fair week's work. Wages and hours must be governed by the standard prevailing in each district for the grades of labour in question. If the conditions offered by the Company were less favourable to the staff than they ought to be, the Company would find they failed to get for their service a sufficient supply of competent men, and the Directors feel that they need do no more than state, what is well known throughout the district, that the conditions of employment on the North Eastern Railway render the service extremely popular, and that there is a constant demand for employment in every grade much beyond what the Company's requirements for labour can satisfy.

In this connection it should be borne in mind that men in the Company's service have hitherto enjoyed many special advantages and privileges, the most important of which may here be summarised:—

1.—The permanent character of their employment enables railway men to rely upon the receipt of constant earnings, rendering them largely independent of changes in seasons and fluctations in trade which affect other classes of men.

2.—Men in many grades in the railway department of the Company's service (as distinguished from men classed as mechanics or working in the locomotive and engineering shops), if absent from duty in consequence of accident or sickness, receive, in cases of accident, full pay for a week or more, and half-pay for a certain number of weeks afterwards, and in cases of sickness, half-pay during illness for varying periods.

3.—Railway men obtain privilege tickets for themselves, their wives and families, at about one-quarter of the fares charged to the public, not only for travelling on the North Eastern Railway but on most of the railways of the United Kingdom. The extent to which the staff benefit by this arrangement may be gathered from the fact that, in the year 1896, 441,133 privilege tickets were issued to North Eastern men.

4.—Annual holidays, varying from three to six days, are granted without loss of pay to the men in many of the grades, and free passes are granted under the regulations of each department. The number of free passes issued during the year 1896 to North Eastern men, their wives and families, for holiday purposes, amounted to 201,025.

5.—In the event of a man being rendered permanently unfit for work by illness a special grant is frequently made in addition to the sick pay above mentioned, and special grants are also made to the widows of men who die whilst in the Company's service.

6.—Men in the Company's service are enabled to invest their savings by deposit in the North Eastern Railway Bank of Deposits, and, through the

voluntary allowance by the Company of interest at the rate of 4 per cent. per annum on deposits up to £200 for each depositor, the men obtain a rate of interest on their savings which it would be impossible for them to obtain, with equal security, in any other way.

7.—For several years past every man who has retired, after long service under the Company, has received a pension, and although the Directors are unable permanently to bind their successors to continue the practice of granting pensions, they see no reason to doubt that it will be continued so long as circumstances remain substantially unchanged.

Before dealing with the more general questions which have been raised, reference may be made to certain alleged grievances mentioned by the deputation affecting either individuals or small classes of men at particular stations. In a large service like that of the North Eastern it is almost inevitable that there should occasionally be grievances of this sort, but the Directors believe that, where there is any real hardship, the remedy of the men is as prompt and easy of access as in the case of any large service with which the North Eastern can fairly be compared.

In the service of a large Railway Company changes are constantly occurring. Wages and hours and working arrangements have to be revised from time to time, according to changing circumstances, and the cases both of individuals and of classes of men have to be considered. These are matters which are dealt with in the regular and daily administration, and they are dealt with, as occasion arises, by the officers of each department. In regard to such matters the Directors wish the staff clearly to understand that any man who considers that he has a reasonable ground of complaint, may submit his case to the foreman or inspector immediately above him, and it is the duty of such foreman or inspector to deal with the case, or if it is of such a

character that he cannot deal with it, to obtain a decision upon it from the head of the department. In stating this the Directors do not of course mean that every alleged grievance will necessarily secure a remedy, because the ultimate decision as to whether a grievance is well founded or not must rest with the responsible officers of the Company, or in cases of importance, where an appeal is entertained by the Directors, with the Board of Directors. The Directors are convinced, however, that in the North Eastern service there is never any difficulty in the way of any man getting a fair hearing and a just decision on any matter affecting his employment in regard to which any substantial grievance can exist.

The answer of the Directors in regard to the individual or special complaints mentioned by the deputation is, therefore, that they are being investigated, and will be dealt with in the ordinary course of administration.

As regards the request made by some of the grades that promotion shall in all cases be according to seniority, the answer of the Directors is that promotion is a matter which must be absolutely retained within the control of the Company. Seniority is always regarded, and, in the absence of special circumstances, mainly governs promotion in every grade; but capacity must also be considered, and those responsible for the management of the Company's business must have the unqualified power to reward special fitness by promotion.

The eyesight-test is also a matter with regard to which no change can be made. The Directors have adopted the method of testing recommended by the highest authorities, and in a matter so closely affecting public safety, they are not prepared to take the responsibility of adopting any but the best method.

In regard to the question of wages and hours, the General Manager has frequently stated to deputations that, if the comparison is fairly made, the North Eastern wages are as high as, or higher than, and the hours as short as,

or shorter than, those on any large Railway undertaking in England. With a view to ascertain whether the men have any just ground of complaint, the Directors have examined the matter afresh, and the result of their investigation has been that they are entirely satisfied that the wages, hours, and conditions of employment generally of the men in the North Eastern service are favourable in comparison with those of similar grades of men in industrial employment in the district served by the North Eastern Railway.

The staff are aware that much attention has been devoted to these matters for several months past both by the Officers and Directors. Before the reception by the Directors of the recent deputation, the General Manager had seen deputations of most of the grades, except the men in the Locomotive Department, who made no complaint until the intention of the Directors to receive a deputation was announced. The representations made by those deputations were carefully weighed, and substantial concessions were made, both in wages and in hours. The Directors considered at the time that these concessions were the utmost that could properly be made, and, after a further review of the whole of the circumstances, they are unable to alter that opinion.

Apart, therefore, from the individual cases above alluded to, which are in course of investigation, the decision of the Directors is that no case has been made to justify any further concessions.

The Directors have felt it their duty to state clearly in this Minute their deliberate judgment on the proposals submitted. The Directors are aware, however, that a considerable number of men have publicly announced their intention to leave the Company's service if the demands submitted by the deputation are not granted. The contract of service with the Company can, in most cases be terminated by a week's notice, and it is, of course, open to any man who is dissatisfied with the conditions of his employment, on giving proper notice, to leave the service. The Directors do not

doubt that the attractions of the railway service would enable them to fill the places of the men who withdrew, but on the other hand it would be useless to deny that the dissatisfied men have it in their power to bring about a period of disturbance and loss.

The Directors need not point out the grave consequences of this course of action. It is impossible to estimate the losses which could ensue. The travelling public, the traders in the district, the Company's shareholders, the railway men, would all suffer, as well as men engaged in other industries, dependent on the regular maintenance of the railway service, would necessarily be thrown out of employment.

The Directors, being unable to justify any concessions beyond those already made, have sought for some mode of meeting the difficulty, which would avoid a conflict between the Company and a considerable section of their men. They believe that, under the circumstances, the only solution is to be found in a reference to Arbitration, and they have therefore decided to propose that the questions in regard to wages and hours shall be submitted to Arbitration, subject to the following conditions and reservations:—

1.—That the questions for Arbitration shall be limited to those of wages and hours. The Directors are not prepared to refer to Arbitration any question affecting the discipline and control of the staff.

2.—That the proposals of the locomotive staff, that eight hours should constitute a day's work, and that any time worked over eight hours be paid for at the rate of time and-a-quarter, which proposals the Directors must entirely reject, shall be excluded from the Arbitration.

3.—That the grades of men whose wages and hours may be submitted for determination shall be a matter for preliminary agreement.

4.—That the Arbitrator shall be agreed upon, or, in the case of failure to agree, shall be appointed by some judicial authority.

Mr. Gibb and Mr. Bell subsequently met as Arbitrators in York. It was unlikely they could agree, and they requested the Right Hon. Lord James of Hereford to act as umpire in the said Arbitration for the purpose of determining the questions at issue, and his Lordship issued his award 9th August, 1897, which it was feared would have far-reaching effects. Generally speaking it shortens the hours of the men, fixes a higher scale of pay for overtime and Sunday labour, and interposes a barrier in the way of the continuous employment of drivers, firemen, goods guards, and mineral guards, beyond a limit, or rather specified number of consecutive hours. The stipulation that the daily number of hours of these classes of railway workers shall be ten does not in many instances shorten the day, but as each day is to stand by itself, it will no longer be possible to keep the men employed one or two days per week twelve or fourteen hours, and compensate them by extra leisure on others. Employment on any day for more than ten hours will involve payment of overtime, and there is to be a special scale for Sunday work.

The Amalgamated Society of Railway Servants did not find other Railway Companies with whom they communicated as to wages, hours, &c., quite so conciliatory as the North Eastern. At a meeting at the Tivoli Palace, Lime street, Liverpool, Sunday, 8th August, 1897, almost a defiant attitude was adopted. It was held with the object of hearing the replies from the various Railway Companies to the different programmes submitted, of deciding what should be done with regard to Mr. Harrison's promise to the President of the Board of Trade, and of concentrating and consolidating the different movements on foot, and of proceeding with such further action as might be decided upon by the forthcoming Birmingham conference. Mr. Joseph Peters, a local Branch Secretary of the Society,

presided over the gathering. The position of affairs may be gathered from the resolution submitted by a Mr. Jones, of Southport, which read thus:—"That this mass meeting of railway men having heard the replies from the various Companies, so far as we have been able to get replies at all, regrets that they are by no means satisfactory; and we are therefore of opinion that the time has arrived for concentrating the various programmes into one solid movement with a view to presenting a united front to united capital for the purpose of enforcing our programmes to the end."

This resolution was passed, and it was followed by another declaring "That with the view of giving effect to the foregoing resolution, we, as a body of trade unionists, and others, pledge ourselves both individually and collectively to do all in our power to further the cause by advocating it amongst our fellow-men who are non-members as well as to those who are, and we empower the organising committee of this meeting to act in conjunction with other districts in our name for the same purpose, and also with the governing bodies and officers of the Amalgamated Society of Railway Servants." After this came a series of speeches all inciting the men to action. One speaker declared that it was the duty of them all to go forward and lay down a general programme whereby every Railway Company would be asked to do exactly the same thing and at the same time.

THE BIRMINGHAM CONFERENCE.

The next move of the Amalgamated Society was to arrange for a "national" conference to be held on October 11th and 12th, at Birmingham, when representatives of such of those men of various grades of railway service as are members of the Society considered the question of submitting to the directors of the Railway Companies of the kingdom one "cast-iron" demand for better conditions of labour, higher wages, and shorter hours for all railway employes, instead of proceeding with the so-called grievances

of one class of men at a time. The executive committee procured statements from discontented members from the various branches all over the country. In a statement issued on Saturday, 2nd October, 1897, the object of the gathering is stated to be "the final quietus to sectionalism, by showing that particular grade wants need not be neglected in an amalgamated body, and that the various movements now on foot are to be consolidated into a huge joint effort, which will rest for its support on the entire strength of the Society. The delegates are to promote, as far as possible, a fusion of all sections which have approached the Companies, thus resulting in the most effective demonstration of railway organisations yet witnessed." After speaking of the strength and determination of the railway servants, it proceeded to say: "But whilst all this is true, it by no means follows that there are deep-laid plans for a gigantic stoppage of traffic when the darkness has its longest reign, and elements fight on the side of the men. There is no such conspiracy against the trading community, for that is what it would amount to. There is neither the desire nor the intention to cause a general strike. The conference will not meet with its hands tied by previous pronouncements. It will be free and unfettered. . . . There are several checks to hasty action, the offer of Arbitration being one of them; and we are firmly of opinion that this latter may be used with splendid effect at this juncture." The declaration to insist on Arbitration in respect to the men's demands was followed by a significant warning that the railway servants of the United Kingdom are too strong to be played with, but also far too sensible to rush madly into a struggle without first exhausting all other resources.

Tuesday, 16th November, was the date fixed by the Amalgamated body as that on which they should look for a reply to their "National Programme," which was drawn up at the Birmingham conference and submitted to the different Companies. It would seem that a collective reply was expected from the Companies, and the fact that it was

not forthcoming may be classified as disappointment number one. Twenty-two Companies tendered only formal acknowledgments—disappointment number two—for was it not anticipated that shoals of letters would have come in eagerly embracing the proposals? The London and North Western responded, and gave reasons, but the reasons were on the wrong side—disappointment number three. It is sad to think that the want of courtesy displayed by the Companies should have given such evident pain and annoyance to Mr. Bell just as he was on the point of leaving London for the West of England too, and "seeing that they had been approached by the men in a spirit at once conciliatory and respectful," it is deplorable to read in this "statement" that "some Companies even failed to acknowledge the receipt of our letter, and the least we had a right to expect from gentlemen would have been that a clerk was commissioned to tell us that our communication had come to hand."

Various meetings were held between this and 3rd December, 1897, when Mr. Bell sought the intervention of the Board of Trade "to bring about a conference of the men's and the Companies' representatives to discuss the various points at issue, thus preventing a possible serious dislocation of the railway communication of the country." The "facts" which followed—as well as Mr. Ritchie's reply—are quoted in full in Chapter No. I., commencing at page 45.

The next serious movement upon the men's part was the recent strike of the Midland goods staff at Leeds and Sheffield. On March 7th a resolution, signed by E. Morley, one of the men, was handed to Mr. Page, the goods agent at Leeds, to the effect that the Hunslet Lane men would leave work on the 17th unless they were paid at the rate of time and quarter for overtime, &c. Mr. Page saw some 250 of the men individually, and found that more than half of them were not affected at all, as they did not work overtime, and the remainder would, if the concessions were granted, only benefit to the extent of 1d. or 2d. per week. On the 10th Morley was told that 90 per cent. of the men repudiated

the resolution, and he withdrew it. On the following day a second resolution was handed to the Leeds agent demanding an all-round advance of 2s. per week and nine hours per day for goods workers, &c. In this case the men's ultimatum was that they would cease work on the 24th unless their demands were met. According to the "Railway News," for the past eighteen months Morley had unmistakably said by his actions a score or more times, 'I want to be a martyr; why don't you dismiss me?' and, as on March 15th, he left work without leave, and he had also on the 7th, 8th, 9th, 10th, and 15th, neglected his duty, he was suspended. On the 21st, by the directors' instructions, Morley's services were dispensed with, and their reply was also given to the resolution—viz., that the demands of the men could not be granted. At 3.15 the same afternoon, without a moment's warning, 250 men left work, and immediately passed a resolution that Morley had been 'victimised' because of his connection with the Amalgamated Society, and that no negotiations would be entered into with the Company until he had been reinstated."

To the amazement of the local leaders, on the second morning after the strike they found that there was no congestion of traffic at Hunslet Lane, the sheds, yards, and sidings being in their normal condition. They also found that the men's places were being rapidly filled, and Mr. Bell, the Secretary of the Amalgamated Society of Railway Servants, came to Leeds, and asked for an interview with Mr. Page. Mr. Bell earnestly entreated that the men might be taken back on any terms for any vacant places which might still be open. He strongly condemned Morley's conduct, stating that he had misled the men, and disobeyed the instructions of the Society. In proof of this he showed Mr. Page that Morley had suppressed a letter he received from him (Mr. Bell), and also ignored the Society's resolution that the men were not to cease work. The men who have lost their employment complain bitterly of being "wofully deceived" by Morley. The shed men, who left

their work on the 21st, were the same as those who struck five months previously (in October, 1897), but this time they brought out the draymen with them, the local leaders telling them that if such were done "the men were bound to win." Mr. Bell repeated the statement he made to Mr. Page to the Leicester men, and it is published in the Leicester papers.

About 180 of the Sheffield draymen struck on the 24th inst., but as soon as they found how easily and completely the Leeds staff had been beaten, they eagerly came back for their places, but too late, as the Company had determined not to reinstate any of them. The men at Leicester struck on the evening of the 24th, but seeing how matters had gone at Leeds and Sheffield, they passed a resolution regretting their hasty action, and returned to their work, being out on strike only three hours.

The Amalgamated Society recognised the error the men made, and Mr. Bell used all the influence he could exert on their behalf with the Company, with the result that the following communication was received by him from Mr. Turner, the Midland Railway Company's General Manager—

"Your letter of the 29th March has been submitted to my directors, and I am authorised to inform you that the only decisions they have come to as regards the future employment of the Leeds and Sheffield men who struck work are, first, that the Leeds men, having struck for the second time after having been forgiven upon a previous occasion, will not be re-employed; and, secondly, that the men who have been appointed to fill the places of the strikers will be retained in the service if competent and satisfactory. Subject to this latter question, the directors have given instructions that applications from individual men at Sheffield shall be considered on merits and as vacancies arise. I may add that the men will lose nothing from your intercession on their behalf. While giving you the above assurance in reply to your letter as a matter of courtesy, I desire again to reserve the Company's position of dealing with their servants direct, and not through any society."

From this it will be seen that the Midland Company decided to reinstate the Sheffield men, but decline to acknowledge the men at Leeds. The concluding clause of Mr. Turner's letter is worthy of note, for it is not in touch with a leader in the "Railway Review," of 27th May last, which reads thus:—"All honour to those who so peacefully and amicably settled the difficulties which had arisen on the N. E. A similar position was averted a week or two ago by the strong common sense of the general manager in negotiating direct with the Society through its accredited leader. We wonder when the Railway Companies as a whole will see the wisdom and advantages to be derived from this course."

The Amalgamated Society were very wroth at the action of the Leeds and Sheffield men. The men's own organ, referring to what is called "the Leeds blunder," complains that "the official responsible to the governing bodies of the Society has been studiously ignored throughout the whole piece, and war has been declared without even going through the formality of acquainting aforehand the man who is expected to direct and control it." The men were out and the strike was commenced before any such step had been sanctioned from head-quarters, and Mr. Bell tried what could be done to rectify the blunder which had been locally made. Finding that the local branch had practically got out of control, writing on St. Patrick's Day to the local secretary at Leeds, he pointed out that the formal tendering of the notices of the goods men to leave work by resolution was both illegal and unconstitutional, and, if persisted in, would render every man liable to a vexatious prosecution. Not only this, but in a personal interview with the hon. secretary of the draymen's movement, and in a private letter, dated 19th March, the general secretary impressed upon the men's leader the imperative necessity of taking no precipitate action till he had been consulted. In spite of all this the strike commenced two days later. Mr. Bell conferred with the Midland Company

with a view to an arrangement of the matters in dispute, and just as a settlement of the dispute was in view, came the news that the Sheffield men had joined their Leeds comrades in this strife. Mr. Bell ordered the Sheffield men to return to work, but they refused to do so, and the negotiations for a settlement had accordingly to be broken off. The directors resolutely refused to reinstate any man who left his work without notice. Commenting upon this position of affairs, the Amalgamated Society of Railway Servants' official mouthpiece says:—"It was an inexcusable arrogation of authority for any local leader to take upon himself the immense responsibility of calling out men, when a sixpenny telegram would have put him in immediate touch with the controlling hand at Club Union Buildings. . . . We cannot afford any longer to allow, so to speak, every non-commissioned officer in the ranks to take his little squad into action whenever the fit may fall upon him." Strange, they never gave equal advice to the Cork and Bandon men.

What use have the Amalgamated Society made of the suggestion thrown out by the Board of Trade, that should there be any case in which difficulty arose in obtaining a friendly meeting between the General Companies and the men in their employment that "the Board would readily use their good offices with a view to the removal of the difficulty?" They prepared a tabulated list of supposed grievances which they forwarded to the Board of Trade and received the following answer:—

Board of Trade, Railway Department,
7, Whitehall Gardens, London, S.W.,
R. 6,411. May 26th, 1898.

Sir,—I am directed by the Board of Trade to advert to your letter of the 14th inst. (N. 149,582) calling attention to the dismissal of several members of the Amalgamated Society of Railway Servants by the respective companies employing them.

In reply, I am to state that if your Society is prepared to supply evidence to show that any servant of a company

was discharged because he formed one of a deputation to the directors for the purpose of discussing the questions covered by Sir COURTENAY BOYLE'S letter of December last, referred to in your letter under reply, the Department will communicate the complaint to the company concerned, and ask for their observations.

The Department cannot forward to the companies a general charge not couched in definite and specific terms.

Your Society is, no doubt, aware that the Board have not been entrusted by Parliament with any statutory powers of interference with a railway company in such a matter.

They cannot do more than communicate a specific charge or complaint to a company affected in the manner above suggested.

I am, Sir, your obedient servant,

FRANCIS J. HOPWOOD.

Mr. Bell, General Secretary pro. tem.,
Amalgamated Society of Railway Servants.

A list of the cases forwarded is appended overleaf.

NAME.	COMPANY.	GRADE.	HOW DEALT WITH.
Buckley, M.	Cork and Bandon	Signalman	Reduced, then dismissed.
Bell, W. E.	North-Eastern	Carriage examiner	Dismissed.
Beaumont, T.	Great Central	Goods checker	do.
Crowcroft, W.	Great Northern	Carriage examiner	do.
Lenthall, J.	Barry Railway	Goods guard	do.
Taylor, J.	Taff Vale	Engine driver	do.
Newham, C.	Great Central	Goods checker	Removed and wages reduced.
Marriott, F.	London and South Western	Engine driver	Dismissed.
Boston, W.	Midland	Policeman	do.
Roberts, J. T.	London and North Western	Foreman platelayer	Reduced in position and wages to the extent of 10s. 5d. per week.
Thomas, H.	Neath and Brecon	Signalman	Discharged.
Hope, T.	Cheshire Lines Committee	Porter	Removed at great disadvantage.
Jackson, H.	do. do.	Excavator	Discharged.
Holden, T.	Lancashire and Yorkshire	Checker	do.
Harris, T.	London and North-Western	Brakesman	do.
Wright, J. C.	do. do.	Detective	do.
Geeson, C.			
Bardill, A			
Paling, F.	Midland	Platelayers	do.
Church, W.			
Langham, C.			
Morley, E.	Midland	Drayman	do.
Parr, R.	Taff Vale	Signalman	do.
Thornhill, J.	London and North-Western	Engine driver	Promotion refused.

As a proof of their inconsistency they say in the same journal, in which they quote above, that "Signalman Buckley was ordered from Cork to Ballinascarthy with his wages reduced from 21s. to 14s. per week." although in a subsequent issue of same paper they publish "by instructions from the Executive," the decision of the Recorder of Cork in the Appeal arising out of the strike upon that line, in which there appears the following sentence:—"Had the men only listened to Mr. Croker's advice they would have learned the facts proved on that appeal, and on which they were misinformed; first, that the man Buckley had not been removed from Cork for the reasons alleged by them; and, secondly, that his being changed did not involve a diminution in his pay." This decision of the Recorder's must have been in the hands of the Amalgamated Society weeks before they wrote their letter of 14th May last to the Board of Trade, in which they affect such superb ignorance, and, I suppose, imagine that their statements will be accepted as accurate. Can they prove any of the charges put forward?

RAILWAY SERVANTS' WAGES.
GROWTH DURING FIFTEEN YEARS.

(From the "RAILWAY NEWS.")

In view of the demands that have been recently formulated by the Amalgamated Society of Railway Servants on behalf of all grades of railway men working on the railways of the United Kingdom, it may be useful to make some comparison between the wages now paid to railway men and the wages paid five, ten, and fifteen years ago.

This might be done in two ways—either by comparing the actual earnings received by the men, or by comparing the money paid for a given work done at the different periods. The first method has several objections: in the first place the men contend that, if earnings have increased, the work to be done has increased more rapidly, and this argument, therefore, is not met by merely pointing to an

increase of earnings. Secondly, it is extremely difficult to obtain figures on this point that are at once wide enough and accurate enough; and, thirdly, the figures when obtained are of little value, until some estimate of the concurrent reduction of hours has been likewise arrived at. Such an estimate might, no doubt, be made by the companies themselves, but for outsiders it can only be the merest guesswork.

In the following article, therefore, the object aimed at is to ascertain the changes that have taken place in the amount paid for a given work done during the last fifteen years—that is, to put it in another way, the changes in the piece-wage rate paid to railwaymen. The information given in the half-yearly accounts issued by the railway companies is, with some qualifications, sufficient for the purpose.

The half-yearly accounts taken for consideration in the following article are those of the four "heavy" companies, the London and North Western, the Great Western, the Midland, and North Eastern railways. It would, of course, have been possible to obtain results covering a larger number of railways, but the results so obtained would probably have been less valuable, because complicated by a variety of circumstances, such as abrupt changes in the policy of the management, differences in the manner of preparing the accounts, and the like—circumstances which, in case of the four principal railway companies, we either know to have been absent, or can readily allow for.

In order to some extent to discount the effect of merely annual fluctuations, triennial periods have been selected for comparison, and in every case an average yearly figure for the three years has been arrived at. The periods selected are—1880-1882, 1885-1887, 1890-1892, and June 30th, 1894, to June 30th, 1897.

The returns given in the half-yearly accounts, abstracts A, B, and D, for wages paid in the locomotive running department, the maintenance of way, and the traffic departments will cover all grades of labour specifically known as

"railway" labour, to the exclusion of mechanics, such as fitters, joiners, &c., employed in the repairing, erecting, and permanent way shops. It is unfortunate that the item "salaries" is included with the wages paid in the traffic department, and its exclusion to a certain extent weakens results based upon those figures. This item probably amounts to a little less than a third of the total traffic department wages bill, and it has been assumed to remain in this proportion throughout. It is certain that if this assumption is not wholly correct, it is not so incorrect as to seriously invalidate the calculations that have been made.

INCREASE OF WAGES AND TRAFFIC.

The following table gives the total wages paid, on a yearly average, under three heads, taken together, for the periods selected, and the increase per cent. on the period 1880-1882 :—

GROWTH OF RAILWAY WAGES BILL.

Three years period.	Wages Bill (yearly average).	Per cent. increase on 1880-2.
1880-82	£5,935,096	—
1885-87	6,392,861	7.7
1890-92	7,895,028	33.0
June 30, 1894—June 30, 1897	8,858,276	49.3

The increase in the total shown above is, of course, very large, but it is natural that while the receipts of the four companies have been increasing as rapidly as has lately been the case, the wages bill should increase with equal rapidity. The following table shows the rates at which the wage bill and the receipts have relatively been advancing during the same periods :—

RELATIVE GROWTH OF TRAFFIC RECEIPTS AND WAGE BILL.

Three years period.	Traffic receipts (yearly average).	Increase per cent. on 1880-82.	Wages bill, per cent. of traffic receipts.
1880-82	£30,500,426	—	19.46
1885-87	30,767,457	0.9	20.73
1890-92	36,020,446	18.1	21.92
June 30, 1894—June 30, 1897	37,598,565	23.3	23.56

It appears from the figures given above that the wage bill

in the case of these companies has risen from 19.46 per cent. to 23.56 per cent. of the gross receipts. The increase in the receipts cannot, therefore, alone account for the whole increase in the wage bill, although it no doubt renders it less startling.

The receipts of a railway are, however, not the final test of work done; it is impossible, indeed it is a fact, that the railway companies are doing for the public more work now than they were doing fifteen years ago to earn a given amount of money; and so long as work done increases at a greater rate than the receipts for it, the wages bill may be expected to do the same.

Have we any trustworthy test of "work done"? Certainly, in the sense in which the men claim that the increased responsibility, the increased number of signals, the improvement of brake appliances have given them more work, we have none. These points are, however, after all merely details; a much less exact test would give us results almost equally satisfactory.

TESTS OF WORK DONE.

Such a test seems to offer itself in the train mileage returns given in statement 15 of the half-yearly accounts.

These returns are by no means perfectly satisfactory for the purpose; better tests could be found for almost every individual grade, but there is, perhaps, none which is so suitable for all grades taken together. It will be advisable, therefore, to give it more detailed consideration in relation to each department and each grade of railway labour separately.

Taking first the locomotive department, the work under this head is simply the hauling of trains; it scarcely needs demonstration, therefore, that this work is measured by the train mileage accomplished. Two reservations must be made:—

1.—No account is made of "assisting" and light engine mileage, although this no doubt considerably adds to the

work of the locomotive department; even if we knew what it amounted to, we could not include it in the train mileage figures without making them a less valuable test of the work done by other grades.

2.—The number of mineral and slow "pick-up" trains may have increased more rapidly than that of the quicker classes of trains, or the running lines may have become more congested, and delays to trains have become longer and more frequent. None of these changes would affect the train mileage, yet they would both reduce the average speed of trains, and so increase the amount of time to be spent on duty for the same train mileage. In this way it may fairly be said that they would increase the work of the locomotive grades out of proportion to train mileage. On the other hand, if the average speed of trains has gone up, and the men base their claim for an advance of wages partly on the assertion that it HAS done so, the work done will have increased LESS rapidly than the train mileage. There is, however, no reason to suppose that the average speed has undergone any serious alteration during the period under consideration.

As regards the traffic department, the remarks made in the case of the locomotive men apply almost without modification to all classes of guards, except that the first reservation made would scarcely affect this grade. In the case of signalmen, although the number of cabins where an increase of traffic must involve an increase in the signalling staff is small, yet it is recognised that train mileage is a fair test of work done, as is shown by the almost universal practice in grading signal cabins. An increase in the number of trains passing a cabin will involve an increase in the number of lever movements. But it is the acknowledged practice on some companies' systems, and it is probably the underlying principle on all, to grade the hours and wages of the different cabins according to lever movements. There is, therefore, an almost automatic arrangement set up for increasing the total signalling wages in proportion to the train mileage.

The work of goods and passenger shunters increases in proportion to the number of trucks and carriages to be shunted, which may be roughly measured by train mileage. The work of the platform staff depends on the number of passengers, and it will not be very inaccurate to say that the number of trains has kept pace with the public demand, so that here too the work of the men is ultimately measurable in the same manner.

The same may be said of checkers and goods porters, whose work is, no doubt, most nearly dependent on the tonnage of the goods traffic.

Lastly, there is the case of the maintenance of way department. There is a great difference between this and the other departments, which is important in this context. It is clearly brought out in the following table, in which the total wages bill, given in the first table, is split up into its component parts.

RELATIVE GROWTH OF WAGES BILL IN THREE PRINCIPAL DEPARTMENTS.

	Locomotive Department.			Maintenance of Way Department.			Traffic Department.		
Three Years Period.	Wages bill.	P.c. Inc. on '80-82.	P.c. of total wage bill.	Wages bill.	P.c. Inc. on '80-82.	P.c. of total wage bill.	Wages bill.	P.c. Inc. on '80-82.	P.c. of total wage bill.
1880-1882.	1,414,334	—	23.83	896,575	—	15.11	3,624,187	—	61.06
1885-1887.	1,557,636	10.13	24.37	894,560	dec. 0.22	13.99	3,940,665	8.73	61.64
1890-1892.	1,993,159	40.98	25.26	1,025,006	inc. 14.32	12.98	4,876,063	34.54	61.76
1894 (June 30) —1897 (June 30)	2,233,444	57.91	25.21	1,109,021	23.70	12.52	5,515,811	52.19	63.27

The most salient fact in the above table is the disparity in the rates of progress shown by the wages bills for the three departments; for while the locomotive wages bill has advanced 58 per cent., and the traffic wages bill by 52 per cent., in the maintenance of way department only 24 per cent. more money has been paid away in wages

during the last fifteen years, a period during which, as will be shown shortly, the train mileage of the four companies has advanced by nearly 29 per cent. This difference may, and probably does, point to the fact that the platelayers have, as a whole, received a smaller share of the total advance than the other grades; but it has a wider significance as well, and it is not difficult to discover the principal cause.

The work of maintaining the permanent way of a railway depends on two factors—(a) Wear and tear of rails, &c., which roughly depends, in turn, on train mileage; (b) the effects of the weather, which, at least when long periods are considered, are constant for a given length of line, and for a whole system of lines vary directly as the total rail mileage maintained.

In what degree the work of maintenance depends on each of these two factors, it is not possible here to determine, and therefore it is equally impossible to determine the rate at which the work of maintenance has increased.

In view, therefore, of the qualification to which the use of the train mileage figures as a test of the work done in this department is subject, it will probably be better to omit altogether any reference to the item of maintenance in estimating the increase in the rate of pay for a given amount of work, and in the figures that remain to be given this has been done. The results arrived at, therefore, apply only to the locomotive and traffic departments.

The outcome of the detailed consideration given above to the circumstances of each grade is, then, that in regard to the two principal wage-paying departments, the amount of train mileage is, speaking broadly, a fair test of the work done, and it will follow from this that any increase in the wages cost per train mile means a corresponding increase in the "piece-wage," a net advance in wages without any corresponding set-off whatever. That there has been such an increase is beyond a doubt, but some estimate of the amount of it is wanted, and that we may now hope to obtain.

The following table gives the amount of the train mileage run by the four "heavy" companies, and the amount of the revised wages bill, covering only the locomotive and traffic departments, together with the rate of increase since 1880.

RELATIVE GROWTH OF TOTAL TRAIN MILEAGE AND WAGES BILL.

Year.	Train mileage. (yearly average). Train mile.	Increase per cent. on 1880-82	Wages bill (locomotive and traffic departments only). Yearly average. £	Increase per cent. on 1880-82
1880-82.....	118,291,895	—	5,038,521	—
1885-87.....	124,540,121	5.28	5,498,307	9.13
1890-92.....	145,256,776	22.80	6,870,022	36.55
June 30, '94— June 30, '97	152,236,575	28.70	7,749,255	53.80

It will be seen from this that the wages bill has advanced almost double as quick as the train mileage. The increase in cost per train mile that this involves is more clearly set out below:—

ADVANCE IN WAGES COST PER TRAIN MILE.

Three-year Periods.	Locomotive department. Wages. £	Locomotive department. Wages cost per train mile. d.	Traffic department. Wages. £	Traffic department. Wages cost per train mile. d.	Total. Wages. £	Total. Wages cost per train mile. d.	Train miles for 20s.
1880-82..	1,414,334	2.87	3,624,187	7.35	5,038,521	10.22	23.48
1885-87..	1,557,636	3.00	3,940,665	7.59	5,498,665	10.59	22.65
1890-92..	1,993,959	3.29	4,876,063	8.06	6,870,022	11.35	21.14
June 30 1894— June 30 1897	2,233,444	3.52	5,515,811	8.70	7,749,255	12.22	19.65

Taking each department singly, the final result, therefore, is that the wages-cost per train mile in the locomotive department has gone up by 0.65d., or 22.65 per cent., and in the traffic department by 1.35d., or 18.37 per cent.; the increase in the locomotive department is the more noticeable, and it may be observed that it is also the more incontrovertible, of the two.

These advances in piece-wage are, of course, quite compatible with a reduction of weekly earnings, if the weekly

hours have been reduced more rapidly than the piece-wage has advanced. This has, however, not been the case, but the fact that some reduction of hours has undoubtedly taken place, makes it impossible to say that earnings have advanced as rapidly as the rate of payment for piece-work. The question of the increase of earnings is, however, of secondary importance, since the men gain an increased leisure what they lose in pay.

The increase in the wages-cost per train mile on the two departments taken together amounts to exactly twopence, or 19.57 per cent. Put in another way, this means that the companies can only get 19.65 train miles now for 20s., whereas in 1880-1882 they could get 23.45 train miles for that amount distributed in wages to the two departments.

The piece wage has even been advancing with accelerated rapidity from 1880 onwards; for between the period 1880-1882, and 1885-1887, the advance was at the rate of 3.6 only; during the next five-year period the rate exactly doubled, and between 1890-1892 and June 30th, 1894—June 30th, 1897 the increase went on at the still higher rate of 7.6 per cent. So that the men have no reason to complain that the benevolence of their employers is diminishing.

What the cost of these advances has been to each of the companies specially considered in this article is shown below:—

	1880-1882.	June 30, 1894—June 30, 1897.		
Company.	Wages cost per train mile.	Wages cost per train mile.	Advance of wages cost p.c. on '80-82.	Estimated cost of advance of company.
Lon. & North-West.	11.19	13.36	19.39	£384,965
Midland	11.09	13.61	22.72	434,799
Great Western	8.39	9.34	11.32	157,593
North Eastern.....	9.82	12.50	27.21	317,551

Some interesting comparisons might be drawn from the above figures, for which there is not space. We must content ourselves with observing that the net increase of wages-cost on the Midland railway is the largest of any; it amounts in fact to 1¼ per cent. per annum on the ordinary shares.

The largest relative increase in wages-cost is to be found on the North Eastern railway; on this railway the wages-cost in 1896 was 27.21 per cent. higher than in 1881.—RAILWAY NEWS.

SPECIAL ADVANTAGES OF THE RAILWAY SERVICE.

No review of the question of Railway Servants' duties and emoluments is complete without a reference to the exceptional advantages they enjoy, compared with those who labour in other spheres.

First and foremost, they have, so long as they conduct themselves properly, continuous employment, even though trade be depressed and other employers reduce their establishments.

They have the privilege of travelling free with their families when on annual holiday, and they are paid the usual wages during the holiday. The whole of the parent system is practically thrown open to them, and they frequently avail themselves of the opportunity of visiting distant places.

The staff also make free use of the privilege ticket arrangement for themselves and their families, and are thus enabled to visit at a nominal cost adjacent market towns where purchases can be made to the best advantage. There are other similar features, such as the granting of bonuses up to £5 yearly to signalmen, the free provision of uniform clothing—which means, at least another 1s. per week—the financial assistance which the companies give to the funds providing for sickness, old age, the maintenance of widows and orphans, &c., and it is right that these considerations should not be relegated to the background.

That the men themselves, as a body, fully appreciate their many advantages, and are loyal and well-disposed servants of the companies, with whom many of them have spent all their working lives, and with whom, too, the second and the third generations are in cases numbered, the directors

entertain no doubt; in fact, when much rash talk emanated from the leaders of the Amalgamated Society for a general strike, the evidence was overwhelmingly strong that the men would not suffer themselves to be led away, and that they are to be trusted to take a level-headed view of the work of the paid organisers of disaffection.

Unquestionably the companies will continue to give careful attention to all questions affecting the interests and welfare of their staff, and it is easy to understand that they desire to do this without the intervention, and freed from the misrepresentations, of outside bodies, whose interest would appear to lie in stirring up and spreading, sometimes by very questionable means, the spirit of discontent.

These are matters that affect not only the railway worker; they affect every investor in railway stock, be his holding great or small.

FINIS.

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"What sends picturesque tourists to the Rhine and Saxon Switzerland? Within five miles around the pretty Inn of Glengarriff there is a country the magnificence of which no pen can give an idea."—THACKERAY.

Cork, Bandon & South Coast Railway.

Glengarriff & the Lakes of Killarney

By "The Prince of Wales Route," via Dublin and Cork.

INNISHANNON VALLEY
UPTON.

Photos by] LOUGH HYNE, SKIBBEREEN. [GUY, *Cork.*

Cork to Bandon, Clonakilty, Skibbereen, Bantry, Glengarriff & Killarney,

By "The Prince of Wales" Route.

From CORK (20 miles).

dep. Cork .. .. 3.30, 8.50, 11.20 a.m.
4.0, 6.30 p.m.
arr. Bandon .. 4.24, 9.43, 12.9 p.m.
4.53, 7.28 p.m.

Single ..	4/-	3/-	1/8
Return ..	6/-	5/-	3/2

During the Tourist Season (May 1st to October 31st) Through Return Cheap Circular Tour Tickets are issued at the principal Stations on the London and North Western and other English and Irish railways to Killarney via Bantry and Glengarriff—the favourite and most expeditious route.

Photo by] BANTRY BAY. [GUY, *Cork*.

From LONDON (Euston)
Via Kingstown.
arr. Bandon 12.9 p.m.

Single ..	70/-	51/4	33/6
Return..	117/6	86/-	54/6

Via North Wall.
arr. Bandon 4.53 p.m.

Single ..	66/6	51/4	28/-
Return..	111/-	86/-	47/2

Via New Milford direct boat to Cork and train to Bandon.

Single ..	52/-	35/-	23/-
Return..	86/-	60/-	41/-

From CORK (57¾ miles).
dep. Cork .. 3.30, 8.50, 11.20 a.m.; 4 p.m.
arr Bantry, 6.19, 11.28 a.m.; 1.50, 6.39 p.m.

Single ..	11/-	8/6	4/10
Return..	16/-	13/-	8/6

From LONDON, via Kingstown.
arr. Bantry 1.50 p.m.

Single ..	77/-	56/10	36/6
Return..	127/-	94/-	60/-

Via North Wall, arr. 6.39 p.m.

Single ..	73/6	56/10	31/-
Return..	121/-	94/-	52/6

By this route a direct connection is given with the English and Dublin down and up day mails to and from Cork for Glengarrift and Killarney via Bantry, as well as with the South of England via New Milford or Bristol and Cork.

BANDON, on the river of the same name, is an important agricultural centre. The fine Elizabethan Castle Bernard is a mile and a half west of the town, and may be visited every week day.

After passing Dunmanway (37 miles) the country becomes more mountainous and the scenery more imposing. Drimoleague (45½ miles) is the junction for Skibbereen.

BANTRY, at the head of Bantry Bay. The inhabitants are chiefly engaged in the salmon and deep-sea fisheries. The place is attracting considerable notice as a summer resort, the bathing being good and the scenery very fine. At Bantry station a luxurious refreshment room is being erected; there is an excellent four-horse coach service from this station in connection with Glengarriff, Kenmare and Killarney, which is certainly one of the most attractive journeys in the British Isles.

Photo by] GLENGARRIFF. [GUY, *Cork.*

Via New Milford direct boat to Cork and rail to Bantry.

Single ..	59/-	40/6	26/2
Return..	96/-	68/-	46/4

From CORK (67 miles).

dep. Kingsbridge .. 6.40, 9.15 a.m.
arr. Cork (G. S. & W. R.), 10.35 a.m., 2.15 p.m.
dep. Cork 8.50, 11.20 a.m., 4.0 p m.

ALBERT QUAY, C. B & S. C. R.

arr. Bantry, rail, 11.28 a.m., 1.50, 6.39 p.m.
dep. Bantry, coach, 12.0 noon, 2.15, 7.0 p.m., 7.15 a.m. arr. Glengarrifl, 1.45, 3.45, 8.45 p.m., 9.0 a.m.
dep. Glengarriff .. .. 9.0 a.m.
arr. Kenmare .. .. .. 12.15 p.m.
dep. Kenmare .. .. .. 1.0 p.m.
arr. Killarney .. .. .. 4.45 p.m.

Fares from CORK, by above Route.

To GLENGARRIFF.

Single ..	12/-	11/-	7/6
Return..	18/-	16/6	12/-

GLENGARRIFF is the usual halting place on this route, and deservedly so, for it is the most beautiful spot in County Cork, and there is every accommodation for a long or short stay. There are full facilities for boating and fishing, and there is much to interest the geologist and botanist. The excursions along the coast and among the mountains are numberless. The climate is very favourable, and Glengarriff is strongly recommended as a winter health resort. Geraniums, fuchsias and myrtles flourish in the open air the year round, and several tropical plants do well here which are to be seen nowhere else in Europe.

To KENMARE ..	17/-	16/-	11/-
To KILLARNEY ..	22/-	21/-	16/-

From LONDON, by above Route.

To GLENGARRIFF, via Kingstown.

Single ..	78/-	59/10	39/3
Return ..	129/-	98/2	63/6

Via North Wall.

Single ..	74/6	59/10	33/9
Return ..	123/	98/2	56/-

Via New Milford and Cork.

Single ..	60/-	43/-	28/10
Return ..	98/-	71/6	49/10

KENMARE.—The drive from Glengarriff to Kenmare is very fine. The road is pronounced by Lord John Manners to be the grandest road, barring the Alpine passes, that he knows.

The scenery along this route is marked alternately with rugged grandeur and pleasing variety. Lord Bantry's seat is on the left, and behind the mighty Atlantic in the distance, the bays of Bantry and Glengarriff, and the chain of surrounding mountains. Through the curious tunnel which divides Cork and Kerry, and the Gothic arches through which the road passes, a scene of solitude and gloomy splendour breaks upon the eye, for the first full view of the Kerry mountains is obtained. The Macgillicuddy Reeks, looming in wild grotesqueness, like the billows of some stormy ocean petrified in their fury, stretch before us, shutting out the horizon as they peer cloudwards. We now catch a glimse of the noble Kenmare river, bearing, alas! no burden but the crazy fishing boat. Turning by the suspension bridge over the river, a few minutes brings us to the pretty town of Kenmare, where, should the tourist wish to remain he will find excellent Hotel accommodation.

Photo by] KENMARE. [GUY, *Cork.*

☛ NOTE.—Passengers Booking through in Ireland or England should be certain to inquire for the Cheap Tickets by the "Circular Tour" Route for Glengarriff and Killarney, *via* Bantry.

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WILLIAM BIRT, General Manager.

Liverpool Street Station,
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